

Also, resolution of the American Hardware Manufacturers' Association, relative to public lands and forestry—to the Committee on the Public Lands.

By Mr. HUGHES of New Jersey: Petition of citizens of New Jersey, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT: Resolution of the National Business League of Chicago, Ill., favoring early repeal of the desert-land law and the commutation clause of the homestead law—to the Committee on the Public Lands.

Also, resolution of National Board of Trade, favoring bill S. 5054—to the Committee on Agriculture.

By Mr. KELIHER: Resolution of the Clothiers' Association of Boston, against repeal of the bankruptcy act—to the Committee on the Judiciary.

Also, resolution of the National Business League, favoring repeal of the desert-land law and the commutation of the homestead law—to the Committee on Agriculture.

By Mr. LINDSAY: Resolution of the Business Men's Committee of Washington, D. C., asking favorable action of the House on the Senate bill relative to the present smoke law—to the Committee on the District of Columbia.

Also, resolution of the National Business League, of Chicago, Ill., favoring repeal of the desert-land law and the commutation clause of the homestead law—to the Committee on the Public Lands.

By Mr. LUCKING: Petition of citizens of the State of Michigan, First Congressional district, favoring an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. MANN: Paper to accompany bill for relief of Orrin L. Mann—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Paper to accompany bill for relief of John B. Miller—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Resolution of the National Board of Trade, favoring bill S. 5054 and repeal of the desert-land law and the commutation clause of the homestead law—to the Committee on Agriculture.

By Mr. STERLING: Paper to accompany bill for relief of Eliza J. Roland—to the Committee on Pensions.

By Mr. SULLIVAN of Massachusetts: Resolution of the Clothiers' Association of Boston, against repeal of the bankruptcy act—to the Committee on the Judiciary.

By Mr. TOWNSEND: Petition of Raisinville (Mich.) Grange, No. 910, against repeal of the Grout Act—to the Committee on Agriculture.

SENATE.

THURSDAY, February 16, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.
The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

REQUEST BY GEORGE WASHINGTON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 14th instant, certain information as to the amount of the bequest made by George Washington to the United States for the foundation of a university; which was ordered to lie on the table, and be printed.

LEWIS AND CLARK CENTENNIAL EXPOSITION.

The PRESIDENT pro tempore laid before the Senate the following letter from the president of the Lewis and Clark Centennial Exposition; which was read, and ordered to lie on the table:

LEWIS AND CLARK CENTENNIAL EXPOSITION,
OFFICE OF THE PRESIDENT,
Portland, Oreg., February 9, 1905.

To the President and the Senate of the United States,
Washington, D. C.:

The honor of the presence of the President and the Senate of the United States is requested at the celebration of the one hundredth anniversary of the acquisition of the Oregon country, to be commemorated by the formal opening of the Lewis and Clark Centennial Exposition at the city of Portland, State of Oregon, on Thursday, the 1st day of June, 1905.

The acceptance of this invitation, and the attendance of the President and the Senate upon the ceremony of the formal opening will be most gratifying to the president and the directors of the exposition, and to all through whose agency the centennial has been made worthy of the cause it represents and to which many important events in the history of the United States are so closely related.

Respectfully,
[SEAL.]

H. W. GOODE, President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6351) granting an increase of pension to Martin T. Cross.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 9548. An act for the allowance of certain claims for stores and supplies, reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act;" and

H. R. 15578. An act to prevent the use of devices calculated to convey the impression that the United States Government certifies to the quality of gold and silver used in the arts.

The message further announced that the House had passed the bill (S. 4609) to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Manteo, N. C., with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 18200. An act to amend section 4414 of the Revised Statutes of the United States;

H. R. 18514. An act to amend an act to prohibit the passage of special or local laws in the Territories, to limit Territorial indebtedness, and to legalize the indebtedness of school district No. 1, in Pawnee County, Okla.; and

H. J. Res. 216. Joint resolution providing for the publication of the annual reports and bulletins of the hygienic laboratory, and of the yellow-fever institute of the Public Health and Marine-Hospital Service.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

S. 54. An act for the relief of William Barnes;

S. 57. An act for the relief of Laura S. Gillingswaters;

S. 60. An act for the relief of Gottlieb C. Ross;

S. 2433. An act to amend the military record of John H. Skinner;

S. 2654. An act to amend chapter 55 of an act entitled "An act to establish a code of law for the District of Columbia;"

S. 4079. An act for the relief of James Denton;

S. 4096. An act for the relief of Louis J. Souer, collector of internal revenue for the collection district of Louisiana;

S. 4503. An act to provide for sittings of the circuit and district courts of the southern district of Florida in the city of Fernandina, in said district.

S. 5972. An act permitting the building of a dam across the Mississippi River between the village of Sauk Rapids, Benton County, Minn., and the city of St. Cloud, Stearns County, Minn.;

S. 6088. An act authorizing the closing of part of an alley in square No. 733 in the city of Washington, D. C.;

S. 6244. An act to change the lunacy proceedings in the District of Columbia where the Commissioners of said District are the petitioners, and for other purposes;

S. 6270. An act directing the issue of a check in lieu of a lost check drawn in favor of W. W. Montague & Co., of San Francisco, Cal.;

S. 6422. An act to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes;"

S. 6425. An act to amend section 4472 of the Revised Statutes so as to remove certain restrictions upon the transportation by steam vessels of gasoline and other products of petroleum when carried by motor vehicles (commonly known as "automobiles"), using the same as a source of motive power;

S. 6446. An act granting an increase of pension to John McGowan;

S. 7008. An act permitting the Washington Market Company to lay conduit across Seventh street west; and

S. 7081. An act to mark the grave of Maj. Pierre Charles L'Enfant.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Chamber of Commerce of Troy, N. Y., remonstrating against the

enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of the United States and a memorial of sundry citizens of Fruitland, Wash., remonstrating against the enactment of legislation requiring the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. PLATT of New York presented a petition of the Congress of the Knights of Labor of the State of New York, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented the memorial of George C. Dowsland, of Troy, N. Y., and the memorial of John R. Watts, of Elmira N. Y., remonstrating against any appropriation being made for the support of sectarian schools among the Indians; which were referred to the Committee on Indian Affairs.

He also presented petitions of the Hoosick Valley Drug Association, of Hoosick Falls; of the Erie County Pharmaceutical Association, of Buffalo; of James L. Countant, of New Rochelle, and of E. Villars & Co., of Carthage, all in the State of New York, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

He also presented petitions of the Woman's Christian Temperance Union of Tioga County, of the Woman's Christian Temperance Union of Syracuse, of the Woman's Christian Temperance Union of Greenwich, of the Woman's Christian Temperance Union of Saratoga County, and of the congregation of the Washington Heights North Presbyterian Church, of New York City, all in the State of New York, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. KEAN. I present a memorial of Enterprise Harbor, No. 2, American Association of Master Pilots of Steam Vessels, of Camden, N. J., remonstrating against the enactment of legislation to remove discriminations of American coasting vessels. I ask that the memorial be referred to the Committee on Commerce, and that it be printed in the RECORD.

There being no objection, the memorial was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

[Enterprise Harbor, No. 2, American Association of Masters and Pilots of Steam Vessels, meets second and fourth Wednesday nights, Fourth and Federal streets, at 8 o'clock.]

CAMDEN, N. J., 2-11-05.

Hon. JOHN KEAN, Senator.

SIR: We, the members of this harbor of the American Association of Masters, Mates, and Pilots of the United States, do most earnestly entreat you to oppose the Littlefield bill, No. 7298, a bill to remove discriminations against American sailing vessels in the coasting trade. This title is misleading, and similar bills have been in Congress for the past thirty years and have always been defeated for the reasons that they, as well as this bill, were unjust and deprived a most worthy class of mariners of employment who had given years of service to safely pilot vessels to their destination and secure safety to both life and property.

The States have been permitted for over a century to make laws to regulate the pilotage in their waters, and whenever the respective pilot systems of the different States where it is compulsory on American vessels find sufficient commerce to maintain their systems they will abolish it of their own accord, for the reason that they are the most interested.

This bill, if it became a law, would not only deprive this most worthy class of men of employment, but cause them a very serious loss of their savings for years, which has been invested in sailing vessels and steamers built for the purpose of going to sea and searching for incoming vessels in all kinds of weather.

The pilot business is similar to the school tax, fire-department tax, and police-protection tax, as they are taxed to keep up the system of pilotage, for the reason that they save life and property on the sea-coast and inland waters, and their lives are constantly in danger, as they pilot infected vessels into port.

The bill has many very bad features, and every organization of seafaring men, as well as the organizations of laboring men in the United States, also the underwriters and boards of trade, are very much opposed to this bill.

We trust that you will oppose this bill, and it will be appreciated by all the people above mentioned, and we are sure that you would strenuously oppose it if it was more thoroughly understood by you.

Very respectfully,

N. L. CULLIN,
Captain of Enterprise Harbor, No. 2,
307 Chestnut Street, Camden, N. J.

Attest:

H. S. BENDER, Captain's Clerk.

[SEAL.]

Mr. KEAN presented a memorial of Local Union No. 427, Cigar Makers' International Union, of Rahway, N. J., remonstrating against any reduction of the duty on tobacco and cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented the petition of Henry Schmidt, of Eliza-

beth, N. J., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of Local Union No. 399, Musicians' Protective Union, of Lakewood, N. J., praying for the enactment of legislation to increase the salaries of members of the Marine Band, and also to prohibit the unfair competition of that organization with professional civilian musicians; which was referred to the Committee on Naval Affairs.

He also presented a memorial of the congregation of the First Methodist Episcopal Church of Rahway, N. J., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

Mr. CLARK of Montana presented a memorial of sundry citizens of Townsend, Mont., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sundays; which was referred to the Committee on the District of Columbia.

Mr. ANKENY presented memorials of sundry citizens of Linden and Cedar Home, Wash., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sundays; which were referred to the Committee on the District of Columbia.

Mr. GALLINGER presented memorials of sundry citizens of Sherman County and Fillmore County, Nebr., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sundays; which were referred to the Committee on the District of Columbia.

Mr. OVERMAN presented a memorial of sundry citizens of Winston-Salem, N. C., and a memorial of sundry citizens of Winston, N. C., remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which were referred to the Committee on the District of Columbia.

Mr. McCUMBER presented the memorial of F. E. Ward and 43 other citizens of Stanley, N. Dak., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sundays; which was referred to the Committee on the District of Columbia.

Mr. DOLLIVER presented a memorial of Local Union No. 490, Cigar Makers' International Union, of Fairfield, Iowa, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippines; which was referred to the Committee on the Philippines.

He also presented a petition of the Commercial Club of Iowa City, Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Commercial Club of Iowa City, Iowa, remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Retail Druggists' Association of Washington County, Iowa, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented petitions of the Corn Belt Meat Producers' Association of Henry County; of the Marshall County Branch of the Corn Belt Meat Producers' Association, of Green Mountain; of the Corn Belt Meat Producers' Association of Calhoun County; of the Farmers' Institute of Scott County, and of the Farmers' Institute of Page County, all in the State of Iowa, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. FRYE presented a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sundays; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Ohio Shippers' Association, praying for the passage of the so-called "Townsend freight-rate bill;" which was referred to the Committee on Interstate Commerce.

PAPERS TO ACCOMPANY CLAIMS BILLS.

Mr. WARREN. I have in my hand papers relating to a dozen or more bills now pending before the Committee on Claims. They are proofs, etc., of attorneys, and in order that the Secretary of the Senate may make a proper record I present them and ask that they be referred to the Committee on Claims.

The papers were referred to the Committee on Claims, as follows:

Papers to accompany the bill (S. 4999) for the relief of President Walraven, of Gordon County, Ga.;

Papers to accompany the bill (S. 4961) for the relief of the estate of Louis Baron, of East Baton Rouge Parish, La.;

Papers to accompany the bill (S. 4995) for the relief of the heirs of James Stewart and John Lee McMichael, of Jasper County, Ga.;

Papers to accompany the bill (S. 6961) for the relief of the estate of William A. Coffman, of Shenandoah County, Va.;

Papers to accompany the bill (S. 7033) for the relief of the estate of John M. Nace, of Fulton County, Ga.;

Papers to accompany the bill (S. 6962) for the relief of the estate of Susan Richards, of Orange County, Va.;

Papers to accompany the bill (S. 6963) for the relief of the estate of Joseph Blosser, deceased, of Shenandoah County, Va.;

Papers to accompany the bill (S. 6960) for the relief of the estate of William D. Wright, of Shenandoah County, Va.;

Papers to accompany the bill (S. 7029) for the relief of Bennett Robertson, of Calhoun County, Ga.;

Papers to accompany the bill (S. 7060) for the relief of the estate of A. Underwood, of Brazoria County, Tex.;

Papers to accompany the bill (S. 7030) for the relief of the estate of William Fenn, of Cherokee County, Ga.;

Papers to accompany the bill (S. 7031) for the relief of the estate of James Johnson, of Whitfield County, Ga.;

Papers to accompany the bill (S. 7032) for the relief of Mrs. Nancy Griggs and estate of A. P. Griggs, of Cobb County, Ga.;

Papers to accompany the bill (S. 4565) for the relief of the estate of Nathan P. English, of Washington County, Ark.;

Papers to accompany the bill (S. 4940) for the relief of the estate of D. U. Ford, of Lauderdale County, Miss.; and

Papers to accompany the bill (S. 5016) for the relief of the estate of C. H. Medlin, of Crockett County, Tenn.

STATE MILITARY ORGANIZATIONS.

Mr. McCUMBER. The Committee on Pensions have had under consideration the bill (S. 5100) to fix the status of the Fifth and Sixth regiments of Delaware Volunteers. They have had filed with the committee a brief covering the subject of legislation relative to State military organizations formed during the civil war, used in part in defense of the State wherein organized and in part in defense of the interests of the Federal Government. I move that the brief be printed as a document, and that 150 additional copies be printed for the use of the Committee on Pensions.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 706) for the relief of David H. Moffat, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6821) to remove the record of dishonorable discharges from the military records of John Shamburger, Louis Smith, George Heppel, and Henry Metzger, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6149) to remove the record of dishonorable discharge from the military records of John Shamburger, Louis Smith, George Heppel, and Henry Metzger, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 949) to remove the charge of desertion from the record of William W. Kerby;

A bill (S. 256) for the relief of Joseph Orton Kerbey;

A bill (S. 6033) for the relief of Joseph Orton Kerbey;

A bill (S. 2089) for the removal of the charge of desertion from the military record of George Abbott, alias Andrew C. Adams;

A bill (S. 5565) for the relief of Hector A. Robichon; and

A bill (S. 257) to correct the military record of Engleberth Benzinger.

Mr. FOSTER of Washington, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. McCOMAS on the 10th instant proposing to appropriate \$30,000 to acquire a suitable site in the State of Maryland upon which to establish a depot for the Revenue-Cutter Service, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

Mr. GALLINGER. A few days ago I was directed by the Committee on Commerce to report favorably the bill (S. 6051) to provide for the use of vessels of the United States for public

purposes. I filed a written report, but find that an important mistake was made in it either by myself or at the Printing Office. I ask that that report may be withdrawn, and that the report I now submit may be printed as the report of the committee.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

Mr. OVERMAN, from the Committee on Privileges and Elections, to whom was referred the bill (H. R. 4407) authorizing the Secretary of the Treasury to defray the expenses of contestant in the contest entitled "Koonce against Grady," reported it without amendment, and submitted a report thereon.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6930) granting an increase of pension to Helen S. Wright; and

A bill (S. 194) granting an increase of pension to Chester E. Dimick.

Mr. BURNHAM, from the Committee on Pensions, to whom was referred the bill (S. 568) granting an increase of pension to Lyman H. Lamprey, reported it without amendment, and submitted a report thereon.

Mr. KITTREDGE, from the Committee on Inter-oceanic Canals, to whom the subject was referred, reported a bill (S. 7207) to provide for the government of the Canal Zone at Panama, and for other purposes; which was read twice by its title.

Mr. FRYE, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 18196) to amend section 4405 of the Revised Statutes of the United States; and

A bill (H. R. 18201) to amend sections 4418, 4480, and 4483 of the Revised Statutes, and to repeal sections 4435, 4436, and 4459 of the Revised Statutes, all relating to the Steamboat-Inspection Service.

Mr. FRYE, from the Committee on Commerce, to whom were referred the following bills, reported them severally with amendments:

A bill (H. R. 18202) to amend sections 4415, 4416, 4423, 4426, 4449, 4452, 4470, 4472, 4498, and 4233 of the Revised Statutes of the United States, relating to steamboat inspection; and

A bill (H. R. 18198) to amend sections 4417, 4453, 4488, and 4499 of the Revised Statutes, relating to the Steamboat-Inspection Service, and section 5344 of the Revised Statutes, relating to misconduct by officers or owners of vessels.

RAINY RIVER DAM, MINNESOTA.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 17331) relating to a dam across Rainy River, to report it favorably, with an amendment, and the committee recommend that the bill pass with the amendment. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, in section 1, on page 2, line 8, after the word "therein," to insert "at such height as the Secretary of War may approve;" so as to make the section read:

That the Rainy River Improvement Company, a corporation organized under the laws of the State of Minnesota for the improvement of the navigation of Rainy River and Rainy Lake, and its successors and assigns, upon filing with the Secretary of War proof satisfactory to him of its succession to the rights and privileges granted to the Koochiching Company by the following acts of Congress, namely: Chapter 238 of volume 30 of the Statutes at Large, "An act permitting the building of a dam across Rainy Lake River," approved May 4, 1898; chapter 346 of volume 31 of the Statutes at Large, "An act to amend an act entitled 'An act permitting the building of a dam across Rainy Lake River,'" approved May 4, 1900; chapter 1305, volume 32, of the Statutes at Large, "An act relating to the construction of a dam across Rainy River," approved June 28, 1902, shall have the right, subject to the restrictions, conditions, and terms of said several acts, to construct and maintain the dam provided for therein, at such height as the Secretary of War may approve: *Provided*, That such dam shall be completed on or before July 1, 1908.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

LIFE-SAVING STATION, SOUTH KINGSTON, R. I.

Mr. GALLINGER. I am directed by the Committee on Commerce, to whom was referred the bill (S. 7173) to provide a life-saving station at or near Greenhill, on the coast of South Kingston, State of Rhode Island, to report it favorably without amendment, and in behalf of the junior Senator from Rhode

Island [Mr. WETMORE] I ask that the bill be considered at the present time.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PROPOSED PRINTING INVESTIGATION.

Mr. KEAN. Mr. President, on the 11th instant I reported back from the Committee to Audit and Control the Contingent Expenses of the Senate, with amendments, the concurrent resolution reported by the Senator from New York [Mr. PLATT] from the Committee on Printing providing for an investigation of the matter of public printing. The concurrent resolution and the amendments were read, but the Senator from Illinois [Mr. CULLOM] wished to have an executive session at that time and the resolution went over. I ask for the present consideration of the concurrent resolution. It has been read.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

Mr. CULLOM. I was unable to hear the remarks of the Senator from New Jersey.

The PRESIDENT pro tempore. He simply asked that the resolution proposing a printing investigation, which was interrupted on a former day by the Senator from Illinois moving an executive session, be now considered.

Mr. CULLOM. I heard the word "Illinois," and I did not know to what the Senator referred.

The PRESIDENT pro tempore. The Chair hears no objection and the concurrent resolution is before the Senate. The amendments reported by the committee will be stated:

The amendments of the Committee to Audit and Control the Contingent Expenses of the Senate were, in line 1, page 1, after the words "Committee on Printing," to insert "of the Senate;" and on page 2, line 8, after the word "therefor," to strike out the remainder of the concurrent resolution, in the following words:

And said committee is further authorized to make any other investigation calculated, in their opinion, to reduce the cost of the public printing, and report the result thereof; and the said committee is hereby authorized to employ a stenographer to examine experts and witnesses, and to call upon the heads of Executive Departments and the Public Printer for such information regarding the preceding matters as they may desire, and any expenses incurred in making the investigations aforesaid shall be defrayed from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Printing.

And in lieu thereof to insert the following:

And in making the inquiries required by this resolution said committee shall have power to send for persons and papers, to administer oaths, to employ a stenographer to report its hearings, to call on the heads of Executive Departments and the Public Printer for such information in regard to the preceding matters as they may desire, to do whatever is necessary for a thorough investigation of the subject, and to sit during the recess of Congress. Any subcommittee may exercise the powers hereby granted to said committee, and the expenses of said investigation shall be paid one-half from the contingent expenses of the Senate, upon vouchers duly approved by the chairman of the Committee on Printing, and one-half from the contingent fund of the House of Representatives.

So as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That the Committee on Printing of the Senate, with two Members of the present House of Representatives who are reelected to the next Congress, to be appointed by the Speaker of the House of Representatives, or any subcommittee of said special joint committee, are hereby authorized to examine into the numbers printed of the various documents, reports, bills, and other papers published by order of Congress, or of either House thereof, and of the CONGRESSIONAL RECORD, and if, in their judgment, the conditions as they find them warrant remedial legislation to report a bill at the next session of Congress making such reductions in the numbers and cost of printing and such changes and reduction in the distribution of said publications as they may deem expedient, with a report giving their reasons therefor; and that the said committee is also authorized to investigate the printing and binding for the Executive Departments executed at the Government Printing Office and at the branch printing offices and binderies in the various Departments, and if, in their judgment, the conditions as they find them warrant remedial legislation, to report a bill at the next session of Congress, making such reductions in expenses and imposing such checks as they may deem expedient, with a report giving their reasons therefor; and said committee is further authorized to make any other investigation calculated, in their opinion, to reduce the cost of the public printing, and report the result thereof; and in making the inquiries required by this resolution said committee shall have power to send for persons and papers, to administer oaths, to employ a stenographer to report its hearings, to call on the heads of Executive Departments and the Public Printer for such information in regard to the preceding matters as they may desire, to do whatever is necessary for a thorough investigation of the subject, and to sit during the recess of Congress. Any subcommittee may exercise the powers hereby granted to said committee, and the expenses of said investigation shall be paid one-half from the contingent fund of the Senate upon vouchers duly approved by the chairman of the Committee on Printing and one-half from the contingent fund of the House of Representatives.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

LANDS IN MONTANA.

Mr. NELSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 7103) confirming the title of the St. Paul, Minneapolis and Manitoba Railway Company to certain lands in the State of Montana, and for other purposes, to report it back favorably without amendment, and I ask for its present consideration. It is a small bill.

Mr. CULLOM. I rose to move an executive session, but I will wait until the bill is disposed of.

Mr. ALLISON. If this bill gives rise to no debate I shall not object.

Mr. NELSON. I think it will not give rise to any debate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business—

Mr. BERRY. Mr. President—

Mr. CULLOM. For five minutes.

Mr. BERRY. I hope the Senator will let us introduce bills.

Mr. CULLOM. I desire to have an executive session for a few minutes to get a treaty made public.

Mr. BERRY. Morning business is not over.

Mr. CULLOM. We shall come right back into legislative session for the transaction of morning business. I insist on my motion.

The PRESIDENT pro tempore. The Senator from Illinois moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened.

CONSTRUCTION OF PUBLIC WORKS.

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. McCUMBER. I am directed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 13626) to amend an act approved August 13, 1894, entitled "An act for the protection of persons furnishing materials and labor for the construction of public works," to report it favorably without amendment, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS RITCHIE.

Mr. ALGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6015) granting an increase of pension to Thomas Ritchie, to report it favorably with an amendment, and I ask that it may be considered now.

There being no objection the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was, in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas Ritchie, late of Company H, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY C. LEEFE.

Mr. ALGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6804) granting a pension to Mary C. Leefe, to report it favorably with an amendment, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary C. Leefe, widow of John G. Leefe, late captain Company B, One hundred and sixty-second Regiment New York Volunteer Infantry, and lieutenant-colonel Thir-

tieth Regiment United States Infantry, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Mary C. Leefe."

JOSEPH H. RICHARDSON.

The PRESIDENT pro tempore. Accidentally one pension bill was omitted yesterday. It will now be considered.

The bill (H. R. 8834) granting an increase of pension to Joseph H. Richardson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Richardson, late of Company I, Eleventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of \$24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH HOWE.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 6492) granting an increase of pension to Joseph Howe, to report it favorably without amendment, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Howe, late of Company E, Sixtieth Regiment New York Volunteer Infantry, and to pay him a pension of \$30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMANDA D. PENICK.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 3406) granting an increase of pension to Amanda D. Penick, to report it favorably with an amendment, and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the Committee on Pensions was, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Amanda D. Penick, widow of William R. Penick, late colonel Fifth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$42 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William R. Penick, helpless and dependent child of said soldier, William R. Penick, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Amanda D. Penick, the name of William R. Penick, helpless and dependent child of said soldier, shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$12 per month from and after the death of said Amanda D. Penick.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DONATION OF CONDEMNED CANNON.

Mr. WARREN. I am instructed by the Committee on Military Affairs, to whom was referred the joint resolution (S. R. 102) authorizing the Secretary of War to furnish a condemned cannon to the board of regents of the University of South Dakota, at Vermillion, S. Dak., to be placed on the campus of said institution as a memorial to students of said university who served in the Spanish-American war, to report it favorably with an amendment, and I submit a report thereon.

Mr. GAMBLE. I ask unanimous consent for the present consideration of that joint resolution.

Mr. ALLISON. Mr. President, I shall be obliged to object.

The PRESIDENT pro tempore. The joint resolution will go to the Calendar, objection being made to its present consideration.

TITLE TO LANDS IN MERCER COUNTY, OHIO.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 7148) to grant certain lands to the State of Ohio, to report it favorably without amendment.

I will state that this bill passed both Houses of Congress at the last session, but it did not reach the President in time to receive his signature. I ask unanimous consent for the present consideration of the bill.

Mr. ALLISON. I hope the Senator from North Dakota will

not press that request at this time. I am very anxious to finish the District of Columbia appropriation bill.

Mr. FORAKER. This is an exceptional case, I will say to the Senator from Iowa. As has just been stated by the Senator from North Dakota [Mr. HANSBROUGH], this bill passed the House of Representatives and passed the Senate, but got to the President a moment too late for him to sign it. I hope, therefore, the Senator from Iowa will allow the bill to be considered and passed.

Mr. ALLISON. I shall not object to the consideration of this bill, but I shall object to the consideration of all other bills this morning, in order that the District of Columbia appropriation bill may be considered and concluded.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill reported by the Senator from North Dakota [Mr. HANSBROUGH]?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. The preamble recites that whereas the State of Ohio in the years 1828 to 1844, inclusive, constructed the Miami and Erie Canal; and whereas the State of Ohio for the purpose of supplying the said canal with water built and constructed certain artificial lakes or reservoirs known as the Mercer County reservoir, in Mercer and Auglaize counties, and the Loramie reservoir, in Auglaize and Shelby counties, the former being completed and flooded with water about the year 1842, and the latter about the year 1844; and whereas it has recently come to the knowledge of the authorities of the State of Ohio that the title to the following-described lands is in the United States and not in the said State of Ohio, therefore the bill provides that the following-described lands in township 6 south, range 3 east, in Mercer County, Ohio, be granted to the State of Ohio, to wit:

The southeast quarter of the southeast quarter of section 2, township 6 south, range 3 east, 40 acres; the south half of the southwest quarter of section 3, township 6 south, range 3 east, 80 acres; the east half of the northeast quarter of section 8, township 6 south, range 3 east, 80 acres; the southwest quarter of the northeast quarter of section 8, township 6 south, range 3 east, 40 acres; the northwest quarter of section 8, township 6 south, range 3 east, 160 acres; the southwest quarter of section 8, township 6 south, range 3 east, 160 acres; the northeast quarter of section 9, township 6 south, range 3 east, 160 acres; the southeast quarter of section 9, township 6 south, range 3 east, 160 acres; the northwest quarter of section 9, township 6 south, range 3 east, 160 acres; the east half of the southwest quarter of section 9, township 6 south, range 3 east, 80 acres; the southwest quarter of section 10, township 6 south, range 3 east, 160 acres; the northeast quarter of section 11, township 6 south, range 3 east, 160 acres; the southeast quarter of section 11, township 6 south, range 3 east, 160 acres; the east half of the southwest quarter of section 11, township 6 south, range 3 east, 80 acres; the northwest quarter of section 17, township 6 south, range 3 east, 160 acres; the east half of the southwest quarter of section 17, township 6 south, range 3 east, 80 acres; also the whole of section 7, township 6 south, range 4 east, in Auglaize County, Ohio, 694 acres; also the north half of the southwest quarter of section 27, township 7 south, range 5 east, in Shelby County, Ohio, 80 acres; and containing in all 2,694 acres, more or less.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 7201) to define "options" and "futures," to make such contracts illegal, and to provide penalties for violation of the provisions of this act; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CULBERSON introduced a bill (S. 7202) for the purchase of a site for a Federal building for the United States post-office at San Marcos, Tex.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BALL introduced a bill (S. 7203) granting an increase of pension to B. D. Bogia; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DICK introduced a bill (S. 7204) for the relief of Carl F. Kolbe; which was read twice by its title, and referred to the Committee on Claims.

Mr. ALGER introduced a bill (S. 7205) to remove the charge of desertion from the military record of William B. McCloy; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCUMBER (by request) introduced a bill (S. 7206) granting a pension to Jane Hollis; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO PUBLIC BUILDINGS BILL.

Mr. BEVERIDGE submitted two amendments intended to be proposed by him to the bill (H. R. 18973) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were re-

ferred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. NELSON submitted two amendments intended to be proposed by him to the bill (H. R. 18973) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WITHDRAWAL OF PAPERS—GEORGE RUSHBERGER.

On motion of Mr. WARREN, it was

Ordered, That on the application of George Rushberger he is authorized to withdraw from the files of the Senate all papers accompanying Senate bill 967, for the relief of George Rushberger, first session Fifty-eighth Congress.

HOUSE BILLS REFERRED.

H. R. 18514. An act to amend an act to prohibit the passage of special or local laws in the Territories, to limit Territorial indebtedness, and to legalize the indebtedness of school district No. 1, in Pawnee County, Okla., was read twice by its title, and referred to the Committee on Territories.

H. J. Res. 216. Joint resolution providing for the publication of the annual reports and bulletins of the hygienic laboratory and of the yellow fever institute of the Public Health and Marine-Hospital Service was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. 18200) to amend section 4414 of the Revised Statutes of the United States was read twice by its title.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

DEPUTY COLLECTOR OF CUSTOMS AT MANTEO, N. C.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4609) to authorize the Secretary of the Treasury to appoint a deputy collector of customs at Manteo, N. C., which were, in line 9, to strike out all after the word "and" down to and including the word "annum" in line 10, and insert "be paid such compensation as he may deem proper;" after line 10, to insert:

SEC. 2. That the compensation and emoluments of the collector of customs for the district of Albemarle, in the State of North Carolina, shall be continued to be paid on the same basis as heretofore.

Change "Sec. 2" to "Sec. 3;" and in line 12, to strike out "four" and insert "five."

Mr. OVERMAN. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

The PRESIDENT pro tempore. Is there further morning business? If not, the morning business is closed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. ALLISON. I ask unanimous consent that the Senate proceed to the consideration of the District of Columbia appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18123) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes.

The PRESIDENT pro tempore. The reading of the bill will be resumed at line 23, on page 76.

Mr. ALLISON. Before the reading of the bill is resumed at that point I desire to return to page 9. After the word "dollars," in line 1, on page 9, I move to insert what I send to the Secretary's desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 9, line 1, after the word "dollars," it is proposed to insert "and \$500 additional as assistant engineer in Rock Creek Park."

The amendment was agreed to.

Mr. ALLISON. On page 10, lines 1 and 2, I move to change the total of the appropriation from \$65,872 to 66,372.

The amendment was agreed to.

Mr. ALLISON. On page 39, line 4, before the word "hundred," I move to strike out "eight" and insert "three."

The SECRETARY. On page 39, line 4, before the word "hundred," it is proposed to strike out "eight" and insert "three;" so as to make the appropriation for Rock Creek Park \$13,300.

The amendment was agreed to.

The reading of the bill was resumed at line 23, on page 76. The next amendment of the Committee on Appropriations was under the head of "Water department," on page 78, line 20, to increase the appropriation for the salary of the superintendent of the distribution branch from \$2,750 to \$3,000.

The amendment was agreed to.

The next amendment was, on page 79, line 1, to increase the total appropriation for the operations of the water department from \$29,906 to \$30,156.

The amendment was agreed to.

The next amendment was, in the items for employees now authorized and being paid from general appropriations for the water department, on page 80, line 8, to increase the appropriations for the employment of eight inspectors from \$750 each to \$800 each.

The amendment was agreed to.

The next amendment was on page 80, line 15, to increase the total appropriation for the employment of persons now authorized and being paid from general appropriations for the water department from \$54,260 to \$54,660.

The amendment was agreed to.

The next amendment was, on page 81, after line 20, to insert:

The Commissioners of the District of Columbia are hereby authorized to cause all water rents erroneously paid hereafter in the District of Columbia to be refunded in the manner prescribed by law for the refunding of erroneously paid taxes: *Provided*, That application for refund shall be made within two years after such erroneous payment. And hereafter the said Commissioners are authorized to cause to be refunded in the same manner and subject to the same limitations all money paid for water for any special purpose where the project is abandoned and the water not used and for tapping water mains and for furnishing stopcock where the service is not rendered and the material is not furnished; and all money refunded under this provision of this act shall be paid from and charged to the water fund.

The amendment was agreed to.

The next amendment was, in section 3, on page 84, line 2, before the word "thousand," to strike out "fifty" and insert "seventy-five;" so as to make the section read:

SEC. 3. That the services of draftsmen, assistant engineers, levelers, transitmen, rodmen, chainmen, computers, copyists, overseers, and inspectors temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any general or special engineering or construction work authorized by appropriations may be employed exclusively to carry into effect said appropriations when specifically and in writing ordered by the Commissioners of the District; and all such necessary expenditures for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners of the District in their annual estimates shall report the number of such employees performing such services, and their work and the sums paid to each and out of what appropriation: *Provided*, That the expenditures hereunder shall not exceed \$75,000 during the fiscal year 1906.

The amendment was agreed to.

The next amendment was, on page 84, line 5, after the word "skilled," to strike out "mechanics" and insert "laborers;" so as to read:

The Commissioners of the District of Columbia are further authorized to employ temporarily such laborers, skilled laborers, and mechanics as may be required exclusively in connection with sewer, street, and road work, or the construction and repair of buildings and bridges, or any general or special engineering or construction work, etc.

The amendment was agreed to.

The next amendment was, in section 4, on page 85, line 9, after the word "District," to insert the following proviso:

Provided, That such horses, wagons, and carts as may be temporarily needed for hauling and excavating material in connection with works authorized by appropriations may be temporarily employed for such purposes under the conditions named in section 3 of this act in relation to the employment of laborers, skilled laborers, and mechanics.

The amendment was agreed to.

The reading of the bill was resumed and continued to the end of section 6, on page 86.

Mr. ALLISON. On page 86, after the word "laborers" where it last occurs in line 21, I move to insert what I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 86, line 21, after the word "laborers," at the end of the line, it is proposed to insert:

Special policemen stationed at street-railway crossings, one inspector of gas fitting, two janitors for laboratories of the Washington and Georgetown Gaslight Company, market master, assistant market master, watchman, and one laborer for the wholesale producers' market.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 87, after line 7, to insert as a new section the following:

SEC. 8. That until and including June 30, 1906, the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof: *Provided*, That all advances made under this act and under the acts of February 11, 1901; June 1, 1902; March 3, 1903, and April 27, 1904, not reimbursed to the Treasury of the United States on or before June 30, 1906, shall be reimbursed to said Treasury out of the revenues of the District of Columbia from time to time, within five years, beginning July 1, 1906, together with interest thereon at the rate of 2 per cent per an-

num until so reimbursed: *Provided further*, That the Auditor for the State and other Departments and the auditor of the District of Columbia shall each annually report the amount of such advances, stating the account for each fiscal year separately, and also the reimbursements made under this section, together with the balances remaining, if any, due to the United States: *And provided further*, That nothing contained herein shall be so construed as to require the United States to bear any part of the cost of street extensions, and all advances heretofore or hereafter made for this purpose by the Secretary of the Treasury shall be repaid in full from the revenues of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 88, line 16, to change the number of the section from 8 to 9.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. FORAKER. Mr. President, if in order at this time, I should like to offer an amendment.

Mr. ALLISON. There is one other committee amendment yet to be acted on.

The PRESIDENT pro tempore. There is one committee amendment which was passed over.

Mr. ALLISON. When that is disposed of, the amendment of the Senator from Ohio will be in order.

Mr. FORAKER. Very well.

The PRESIDENT pro tempore. The amendment which was passed over will be stated.

The SECRETARY. On page 19, line 16, after the word "dollars," the committee reported to insert:

And the limit of cost of said building, including cost of site, is hereby increased from \$2,000,000 to \$2,500,000.

So as to make the clause read:

For continuing work on the municipal building for the District of Columbia, \$300,000; and the limit of cost of said building, including cost of site, is hereby increased from \$2,000,000 to \$2,500,000.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. HOPKINS. Mr. President, a point of order is pending against that amendment.

The PRESIDENT pro tempore. The Chair did not understand that it was pending. A point of order should be offered when the matter to which it relates is pending. The Chair will ask the Senator from Iowa if there is an estimate for this item?

Mr. ALLISON. There is an estimate for it.

The PRESIDENT pro tempore. Is there a report from the Committee on Public Buildings and Grounds in favor of the amendment?

Mr. ALLISON. The Committee on Public Buildings and Grounds considered the matter and reported an amendment, which was referred to the Committee on Appropriations.

The PRESIDENT pro tempore. Then, the Chair overrules the point of order.

Mr. GALLINGER. Mr. President, I simply desire to say that yesterday when the point of order was made I appealed to the Senator not to make it, but I was not then aware that an estimate had been made and that the Committee on Public Buildings and Grounds had made a favorable report on the amendment. Under those circumstances, of course, the point of order would not lie.

The PRESIDENT pro tempore. The question now is on the adoption of the amendment of the committee, which has been read.

The amendment was agreed to.

Mr. FORAKER. I move to amend by inserting, in line 22, on page 13, after the word "thousand," the words "five hundred;" so as to make the salary of the superintendent of insurance \$3,500 instead of \$3,000, as appropriated by this bill. I hope the chairman of the committee having the bill in charge will accept that amendment.

I will only say in support of the amendment that the law under which this insurance commissioner was appointed provided that his salary should be \$3,500, but there has never been any appropriation since he has held the office of more than \$3,000, although he has been each year petitioning the committee to report the full salary for him. He is a very efficient official and earns the full salary provided for him by law. I hope the amendment may be adopted.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 13, in line 22, after the word "thousand," it is proposed to insert "five hundred;" so as to read:

For superintendent of insurance, \$3,500.

Mr. ALLISON. Mr. President, the statutory salary of this officer is \$3,500, as stated by the Senator from Ohio [Mr. FORAKER], and he is a very competent, efficient, and valuable officer. But after the statutory salary was fixed his salary was placed at \$3,000 in an appropriation act, and all acts or parts

of acts inconsistent with that act were thereby repealed. So I doubt whether the Senator's amendment is in order to appropriate at this time the sum of \$3,500.

Mr. FORAKER. I was not aware that it was contended that the general statute had been repealed or in any way affected. It may be that, in connection with the appropriation, there was a provision of the kind the Senator from Iowa suggests which I have not had my attention called to.

Mr. ALLISON. The appropriation act for the District of Columbia for last year provided:

SEC. 5. That all laws and parts of laws to the extent that they are inconsistent with this act are repealed.

Of course the salary of \$3,500 would be inconsistent with the act of last year.

Mr. FORAKER. Mr. President, I think that proposition is open to debate.

Mr. ALLISON. I am sure the Senator will debate it if it is open to debate.

Mr. FORAKER. I am sure that is my privilege, and I ought not to be complained of, having so much merit on the side of my proposition, if I do debate it.

But the view I take of the matter is this: Here is a general statute creating an office and attaching a salary; an officer is appointed to hold that office; he takes the office supposing that Congress will make the appropriation for his salary, \$3,500, as the law provides, but Congress fails to do so, and appropriates only \$3,000. He comes the next year and asks to have the appropriation increased to \$3,500, as the law provides, and I think this is the third year now that the committee has allowed only \$3,000.

Now, it is not inconsistent with the law giving him a salary of thirty-five hundred dollars that the Congress should appropriate only \$3,000, for I do not understand that this appropriation says it shall be in full of his salary. It is simply an appropriation of \$3,000 on account, or, as it says here:

For superintendent of insurance, \$3,000.

Mr. ALLISON. If it will gratify the Senator from Ohio, who has made a very concrete and satisfactory argument, I will withdraw the point of order.

Mr. FORAKER. I am very much gratified.

The PRESIDENT pro tempore. The point of order is withdrawn. The question is on agreeing to the amendment submitted by the Senator from Ohio.

The amendment was agreed to.

Mr. FORAKER. I make a further motion to amend by striking out, in line 24, on page 13, the words "clerk and appraiser" and inserting "extra clerks and appraisers." I have in my desk a letter from the superintendent of insurance explaining the advantage of the proposed change. It does not increase the appropriation any, but enables him more satisfactorily to utilize the help.

The PRESIDENT pro tempore. The Senator from Ohio offers an amendment, which will be stated.

The SECRETARY. It is proposed to amend the committee amendment already agreed to on page 13, line 24, by striking out the words "clerk and appraiser" and inserting in lieu thereof "extra clerks and appraisers."

Mr. GALLINGER. That will not do, Mr. President.

Mr. FORAKER. It adds nothing to the appropriation.

Mr. GALLINGER. I wish to ask some advice about the proposed amendment. The amendment reads:

Extra clerks and appraisers, \$1,000.

It seems to me the superintendent can not employ clerks and appraisers for \$1,000 unless he employs them for only a few days at a time.

Mr. FORAKER. That is just what he wants to do.

Mr. ALLISON. I think we had better let that provision stand as it is.

Mr. FORAKER. The superintendent says it will give him a great advantage, and it does not increase the appropriation.

Mr. ALLISON. We have already relieved him of a great deal of his embarrassment in this regard, and while he may be somewhat embarrassed next year, I hope the amendment will not be agreed to, and that the Senator from Ohio will not insist upon it.

Mr. FORAKER. Does the Senator understand that I do not ask for any increase of the appropriation?

Mr. ALLISON. I do understand, but here is a clerk and appraiser at \$1,000. It is expected that this clerk will not only perform clerical service, but will also be an appraiser. If you insert the plural "appraisers," you leave a lump sum to be distributed in any way that the commissioner of insurance sees proper.

Mr. FORAKER. I will not, under the circumstances, in view of the kindly way in which I have been treated by the Senator

from Iowa, insist upon the amendment; but I have another amendment to which I hope he will not make objection.

Mr. ALLISON. I hope the Senator will not now undertake to change this whole scheme.

Mr. FORAKER. I do not think there is anything unreasonable about this proposition. This man has a difficult office to fill, and he ought to have suitable help.

On page 14, line 1, I move to strike out the words "temporary clerk hire, six" and insert "for one stenographer and clerk, nine;" so that it will read:

For one stenographer and clerk, \$900—

Instead of—

Temporary clerk hire, \$600.

It is an increase of \$300. The superintendent needs a stenographer.

Mr. ALLISON. That is estimated for, and I shall not object to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio.

The amendment was agreed to.

Mr. FORAKER. The other amendment I have noted here will be made, of course, involving merely a change in the total.

The PRESIDENT pro tempore. The change in the total will be made. The bill is still in the Senate as in Committee of the Whole, and open to amendment. If there be no further amendments, the bill will be reported to the Senate.

Mr. ELKINS. I should like to ask about the amendment referred to by the Senator from Illinois [Mr. HOPKINS] yesterday.

Mr. HOPKINS. I will state to the Senator from West Virginia that the presiding officer took an entirely different view of the point of order than I entertained when I made it. At the time I made it I did not know that estimates had been made, as provided for in Rule XVI, but the Senator in charge of the bill said the estimates had been made; hence the point of order was not well taken. However, that does not interfere with the Senator from West Virginia opposing the amendment.

Mr. ELKINS. I should like to say a few words about the amendment.

The PRESIDENT pro tempore. The amendment was agreed to a long while since.

Mr. ELKINS. I did not understand that.

Mr. HOPKINS. That was in the Senate as in Committee of the Whole, and not in the Senate.

Mr. ALLISON. Has the bill been reported to the Senate?

The PRESIDENT pro tempore. The Chair was undertaking to get the bill into the Senate.

Mr. HOPKINS. I rise for information. As I understand, this amendment was agreed to in Committee of the Whole, but has not been agreed to in the Senate.

The PRESIDENT pro tempore. It has not been.

Mr. HOPKINS. It will be there open for discussion?

The PRESIDENT pro tempore. It will be.

Mr. ALLISON. I hope the bill will be reported to the Senate.

Mr. ELKINS. I can not speak to this amendment here?

Mr. ALLISON. The Senator can speak to the amendment in the Senate, immediately after the bill is reported.

The PRESIDENT pro tempore. If there are no further amendments, the bill will be reported to the Senate as amended. The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. Is a separate vote desired on the question of concurring in any amendment made as in Committee of the Whole?

Mr. HOPKINS. In order to give the Senator from West Virginia an opportunity to be heard, I ask for a separate vote on the amendment on page 19.

Mr. ALLISON. Relating to what?

Mr. HOPKINS. The amendment commencing in line 16, after the word "dollars," and including lines 17, 18, and 19, as follows:

And the limit of cost of said building, including cost of site, is hereby increased from \$2,000,000 to \$2,500,000.

The PRESIDENT pro tempore. The question is on concurring in the other amendments made as in Committee of the Whole.

Mr. ELKINS. I ask for a separate vote on the Piney Branch amendment.

The PRESIDENT pro tempore. The Chair so understands. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. ALLISON. All the other amendments have been concurred in?

The PRESIDENT pro tempore. All the other amendments

have been concurred in. The question is on concurring in the first amendment, on which a separate vote is demanded.

Mr. ELKINS. Mr. President, I have not had time to read what was done as to this amendment before the House Committee on Appropriations. The objection to my motion yesterday was that the item of \$50,000 was insignificant, because it did not involve a large amount. It was claimed that it was too small a beginning; that \$50,000 was nothing—a mere bagatelle—with a Government with a \$20,000,000 deficit. I now have another item to bring to the attention of the Senate which I hope is respectable enough to command the attention of the committee and of the Senate. It is the amendment increasing the amount for the municipal building \$500,000. Here is \$500,000. This item is large enough, I think, to command attention.

Mr. President, the House considered this amendment. I understand that two millions was appropriated at a former session of Congress to construct this building, and the House committee considered most carefully this item and turned it down, as I understand; and the reason for the action of the House committee is contained in the House hearings, on page 19, under the head of "Municipal building."

I know it is claimed that this building is not ornamental enough, although it will be substantial. Some Senators want only substantial buildings, others ornamental buildings. This item involves a difference of \$500,000. Between the building that the House committee desire and the building the Senate committee desire there is a difference of \$500,000. It is claimed, as I understand, that it should be made a stone building instead of a granite building, or partly of brick and partly of stone.

I would not raise objections to some of these appropriations were it good business at this time to make them, but it is not, when we are so much in debt, or with such a deficit hanging over us, and when it increases the debt to do these things. Instantly when a Senator rises in his place and opposes an appropriation for the District of Columbia he is charged with being against the District of Columbia, against beautifying the capital city and making it—which it will in time be—the model capital city of the world.

I wish now to state my position on this question of improving and beautifying Washington. I am in favor of a modern city and a model capital here, and I want, with the people's money to be as generous in that direction as the chairman of the Committee on Appropriations and his able colleagues. I do not want to stand under the charge that I take any other view because I happen at this time to insist that there should be some regard paid to the condition of our finances and of the Treasury, and that many projects which are pressed and improvements asked now could go over and be made and acted on in the future. I expect improvements on our capital city will go on a hundred years hence—yes, I hope a thousand years hence. But, Mr. President, I do not want to try to do it with haste, or to do any considerable part of it at once, particularly when we have a deficit of \$20,000,000 in the Treasury.

Then, again, Mr. President, speaking in regard to these improvements on the boundaries of the city, when I opposed the Piney Branch bridge I think I spoke for 90 per cent of the people of the District, perhaps 95 per cent. I do not think 2 per cent of the people of the District are interested in that improvement. The other 97 or 98 per cent have to pay the taxes and have no particular interest in this improvement.

If you are going to beautify the city, if you are going to improve it and make it the great capital that we all want it to be, improve all parts of it. Let those in the northeast who have not power and influence enough to come here and make their wants known, but who have to pay taxes, have fair and just consideration. I am told there are great sections of the city, in the way of improvements, and especially in the northeast, entirely neglected. But this great movement in the northwest part of the city has attention. Vast areas of property have been bought up, and, of course, if the people who buy them—the speculators—can get the Government to appropriate for their improvement and thus enhance the value of their real estate, it is carrying out their business plans and purposes; and, not improperly, these real estate owners will get all the money they can from the Government.

But we, as Senators, as trustees of the people, it does seem to me, in beautifying the city in providing these great public buildings, which will be substantial as well as ornamental, should have regard to the Government's ability to pay.

I might, as an individual, desire to build a beautiful house for my family, but if I owed twenty-five or thirty or fifty thousand dollars I would not do it this year. I would put it off until I had paid my debts, and then I would build my house, if I had the money with which to build it. This is the condition of the

Government. Bring this question home to yourselves as business men. Shall we go on increasing these expenditures? Pretty nearly every amendment is to increase and none to decrease.

As I said before, the striking out of this item, which the House omitted wisely, will reduce the bill \$500,000. If the Anacostia Bridge were to wait one year, it would reduce the appropriation \$300,000 more. If the Connecticut Avenue Bridge were to wait one year, it would reduce this bill \$1,100,000 more. I am not against these great improvements; not at all; but there is a time to do them and a time not to do them, and all I ask is that when we are in the condition we are, we should refrain from entering upon these expenditures, and postpone them until we are financially able and when we are able to pay for them. It does not argue that a Senator is opposed to improvements in the District because he says we can wait a while; that we had better wait a while; that we should legislate, always having due regard to the financial condition of the Treasury.

As I said yesterday, where is this economy, where is this reduction of expenses to begin if we do not begin here? This is a great appropriation bill, carrying eight or nine million dollars, I believe. Now, can not we begin on it; reduce it a little, and in the next appropriation bill reduce it some? I think we can afford to trust the House on a great bill like this, especially when its action is in the interest and in the direction of economy and a reduction of expenses. I think the House was wise in the treatment of this question; perhaps too liberal. Some of these improvements could have been delayed without doing any detriment. These bridges which I have mentioned could wait. Other items could wait. That is what good business men do. The administration of the Government is in a large degree a business matter, and should be conducted upon business principles.

Mr. GALLINGER. The Anacostia Bridge has been condemned.

Mr. ELKINS. I know, but it will last three or four years more, and engineers say so. The Connecticut Avenue Bridge only furnishes a highway for driving; only a few people use it for any other purpose. The people of the city in the northeast and the southeast must pay their share of that improvement. There are plenty of other ways, and good ways, to get over Rock Creek on Connecticut avenue. There are a number of ways to get to Chevy Chase.

Mr. ALLISON. May I call the attention of the Senator from West Virginia to the fact that the Connecticut Avenue Bridge was authorized to be constructed several years ago, and a contract was authorized to be made for its completion, and the appropriation here is simply in execution of a contract made two years ago? The Senator from West Virginia would be in favor of paying his own debts, if he made a contract. So far as the Connecticut Avenue Bridge is concerned, this appropriation is in pursuance of a contract, and not in the discretion of the Senate, as I understand.

Mr. ELKINS. I am quite aware of that. In the first place, I think it was a wasting of perhaps of a million dollars to authorize the bridge, but I can not question that now. I do not see the necessity, nor did I at the time, of building the bridge and extending the avenue. There were not 3,000 people living on the other side; not 2,000. Yet it was ordered built.

I have thought that under continuing contracts and with a Government with this tremendous deficit hanging over it (and you are going to increase it at this session of Congress) an arrangement might be made with the contractors to wait a year, in order to help out the Government. They will be glad enough to get the money if they have to wait a year. I believe in paying our bills, but when you are hard up as you are, and as the country knows, try to make some arrangement with your creditors—

Mr. ALLISON. I do not want to interrupt the Senator from West Virginia, but—

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. ELKINS. Certainly.

Mr. ALLISON. We have made continuing contracts for rivers and harbors, with which the Senator is very familiar; and we have appropriated from year to year under those contracts, and this year we will be obliged to appropriate. Would the Senator be in favor of having a receiver appointed or an extension of time on the contracts granted?

Mr. ELKINS. Somehow or other Senators seem to think I am unalterably attached to the river and harbor bill. I do not know how that impression gets out. I want the rivers and the harbors on both coasts and on the Gulf improved. That is a wise expenditure of money. But we are delaying. You will cut

us down. You will pare it. You will reduce it. The very argument is made here that we can not improve these ports and these highways of commerce because we have not the money, and instead of \$60,000,000, I take it the bill will come to the Senate containing \$30,000,000. There is a reduction and an unjust one, perhaps.

I am favorable to a reasonable, wise, and conservative appropriation to improve the rivers and harbors of the United States. If we are going to compete in the commerce of the world we must have deep-water ports. Otherwise great ships can not enter. I do not think it is pertinent, I do not think it impairs my argument, when I say I am for reasonable appropriations for rivers and harbors, as well as I am for reasonable appropriations for the District of Columbia.

Now, coming to these continuing contracts, the Government does not go into the hands of a receiver when it can not pay its debts. If it were the method or custom to go into the hands of a receiver, it would be in the hands of a receiver to-morrow, on account of the present deficit, and the Committee on Appropriations is not keeping it out either. By increasing the appropriations they are adding to the twenty millions of deficit right along.

Now, I will come to the pertinent question of the Senator from Iowa. Would I be willing—whether I am willing or not I think I shall have to consent to \$30,000,000 reduction in the river and harbor bill; I do not know how the Senator will vote when it comes up, but I know what the House committee has done and what has been agreed upon—I am asked would I be willing to delay one of these contracts continuing in the river and harbor bill. If we delay one of these contracts a year, what difference does it make? The Senator knows very well that the Government can not go into the hands of a receiver. We would have been there long ago and on a number of occasions if it could. But that is not the question.

As to this question, I took the text from a wise interview with the Senator from Iowa when he was asked, "How are you going to meet the deficit?" He promptly said: "You can not increase taxes. No, no; you can not do that." He was pressed a little further, and he said just what I admire him for, as I admire him for his long, very useful, illustrious, and distinguished service in the Senate. He said: "The only way to do it is to reduce expenses." But I can not get the Senator up to that point in this bill. I have been unable to put these wise words into practice. I have been unable to get the committee to begin anywhere. I suppose it is to be on the next bill. When that is up, of course the Appropriations Committee will not want to cut down on it. And so we will go on during this Congress, I suppose. When we reach the great naval appropriation bill, we will sustain the appropriations and put the Government more in debt. I would rather do what the Senator from Iowa has taught me by his interview. I would rather reduce expenses now somewhere, at some point. Let us find something in this bill that may be cut down.

I can not be charged with being an enemy to the District and against plans for beautifying the city of Washington. I will go as far as any Senator in that direction, and I want to be as liberal and broad and as generous as possible. When we have the money, and even when we have not the money, I would do something; but I would not do all that is asked at this time. I would not pile up and add to the deficit. If the House, in these times of financial distress for this Government, sends us a bill—a reasonable bill—and those Representatives, having regard, as I understand, for the interests of the whole country and the taxpayers as well, have found that they can not appropriate all this money, let us agree with them. They have tried to initiate economy by a reduction of expenses. They have tried to meet this deficit. Let us, giving it a helping hand, meet it somehow or other. As to every item in this bill, I know Senators who vote for it can bring forward the best kind of arguments and the strongest kind of reason; and it is hard to overcome them; it is hard to answer them; it is hard to oppose them. But, Mr. President, with emphasis I desire to repeat that the time is at hand when we ought to do something toward reducing these expenses, and for my part I would rather this amendment would not prevail.

Mr. HOPKINS. Mr. President, it is with much reluctance that I differ from the recommendations of the Committee on Appropriations. I recognize the fact that the committee have exercised great ability and judgment and discretion in the preparation of this bill. But this amendment is one which I think should be called to the attention of Senators who are not members of that committee, in order that they may know a little something of its history.

The question of constructing a municipal building for the city of Washington is one that has been agitated for several

years in the city between the Commissioners, representing the city, and Congress, and it is a subject which has been considered by another committee than the Committee on Appropriations.

The Commissioners originally wanted \$2,500,000 to construct a building which should be ornamental as well as useful. The matter was considered by the appropriate committee both of the Senate and the House, and after listening to all the arguments that were advanced by the Commissioners and to everything else that could be said in favor of such a large appropriation, both Houses of Congress determined that \$1,500,000 was sufficient to construct a municipal building which would be adequate in every respect to the needs of the city, great as it is and beautiful as it is.

Now, after that appropriation was made, the District Commissioners went on with their work, and they came back to Congress and asked for an increase of the appropriation. They made the same argument that has been advanced here, that \$1,500,000 was not enough. Congress then, after mature deliberation, increased the appropriation \$500,000, making the amount of the appropriation for the construction and completion of the building \$2,000,000.

I submit that that sum is sufficient to construct a building which will meet the necessities not only of the city of Washington to-day, but fifty years from now; and if the District Commissioners had gone to the Government architect, who provides plans and specifications for all of the great buildings that are constructed in different sections of the country, they could have there received plans and specifications which would have given them a building within the limits of the appropriation made by Congress and a building that would be an ornament to the city. They did not see fit to do that, but they have gone on and made contracts under some of their plans, and now come back here and ask for an additional sum of \$500,000.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. HOPKINS. I do, with pleasure.

Mr. GALLINGER. I wish simply to correct the Senator in the matter of going to the Architect of the Treasury Department. The plans for all our great public buildings are made outside of that office. We are now constructing a little \$90,000 building in the State of New Hampshire, and the plans were made by a Boston architect under the existing law; and none of these plans are now being made by the Supervising Architect of the Treasury Department.

Mr. HOPKINS. I am compelled to differ with my learned friend the Senator from New Hampshire. We have a statute that permits going outside of the Government architect in the construction of some of these buildings, but I undertake to say that the great majority of the public buildings which are being constructed in the different States to-day are upon plans and specifications prepared in the office of the Architect of the Treasury Department. Where buildings are constructed outside of that office it is the exception and not the rule.

I repeat my statement that if the Commissioners of the District of Columbia had seen fit to go to the Treasury Department and invoke the aid of the Government architect, plans for a building in every respect adequate to the needs of the city and to its growing importance could have been prepared there within the limit of \$2,000,000.

Mr. President, I think it is due to Senators that they should know that this question was presented to the Committee on Appropriations of the House of Representatives this very Congress when this bill was prepared, the bill we are now considering and upon which we are about to vote. It was not prepared by the Committee on Appropriations of the Senate. It is a bill which was prepared in the House of Representatives; and there is the place where the Commissioners went to get an increase beyond \$2,000,000. A full hearing was had, and the members of that committee and of the House declined to increase the appropriation over the \$2,000,000, and they declined to do it because, in the judgment of the other branch of Congress, the amount of money already appropriated was entirely sufficient.

It is not my purpose, Mr. President, to delay the Senate in voting upon the bill, but I think after this matter has been maturely considered by Congress, as it has been in previous years, and after Congress upon two previous occasions has determined that the limit for the construction of the building shall not exceed \$2,000,000, those facts should have some weight with the members of the Senate at the present time.

I state again, Mr. President, that these increases in appropriations that are allowed for the construction of public buildings ought not to be ingrafted upon an appropriation bill.

These bills are prepared not for the purpose of new legislation, but for the purpose of appropriating money under the laws that exist to-day; but these Commissioners have gone before the Committee on Appropriations of the Senate and have procured an amendment here, not for the appropriation of a sum of money, but to change existing law.

Mr. McCOMAS. Will the Senator from Illinois permit me to ask him a question?

Mr. HOPKINS. Certainly.

Mr. McCOMAS. I heard only a part of his statement. Does the Senator object to \$2,500,000 being appropriated for a proper municipal building upon a proper site, a worthy, commodious, and ample building, or would the Senator from Illinois be content to save half a million dollars and have the municipal building of the District of Columbia built of brick on that site?

Mr. HOPKINS. I am very sorry that the Senator has not been in the Senate during the course of my remarks or that if he has been he did not listen to what I was saying. I am as desirous as the Senator from Maryland of having a municipal building here that will be an ornament to the city. My contention has been that if proper care had been exercised by the Commissioners in procuring plans and specifications the appropriation of \$2,000,000 would have been adequate.

Mr. McCOMAS. A building of what kind?

Mr. HOPKINS. Stone or granite.

Mr. GALLINGER. Will the Senator allow me?

Mr. HOPKINS. I claim that there has been extravagance there, and there should be a check called.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. HOPKINS. Certainly; with pleasure.

Mr. GALLINGER. On the matter of plans and specifications the Senator is misinformed when he says that the Supervising Architect of the Treasury Department makes the plans for public buildings. They are constructing a building in the city of Chicago. Does the Senator know where those plans were made?

Mr. HOPKINS. Certainly.

Mr. GALLINGER. They were not made in that office. We are building two great buildings here—one for the Smithsonian Institution and the other for the Agricultural Department. Does the Senator know where those plans were made?

Mr. CULLOM. Will the Senator allow me a word? In reference to the Chicago building, there was a special act authorizing the Secretary of the Treasury to appoint an architect for the purpose of making plans and overseeing the building during its progress. It is now, however, in the hands of the Government architects.

Mr. GALLINGER. Certainly; the Government architects do the detailed work, but the original plans are made outside, just as the plan for a little \$90,000 public building in New Hampshire was made in Boston.

Mr. PERKINS. The same way in San Francisco.

Mr. GALLINGER. And the same way in San Francisco; and the same way all over the country. So the Senator ought not to condemn the Commissioners of the District of Columbia who, of their own volition, did not have these plans made. The matter went to the Supervising Architect of the Treasury Department, and he asked for bids from outside architects.

Mr. HOPKINS. I thank the Senator from New Hampshire for calling my attention to the fact that the plans and specifications for the Chicago building were not made in the Architect's Office of the Treasury Department. It is true that when provision was made for a public building there a special architect outside of the Government service was selected, much to the misfortune of the city of Chicago. There has been a wonderful deal of trouble that has been caused to the Government by reason of that fact. So scandalous was the work upon that building under the direction of the architect who was selected outside that the Government has been compelled to discharge the architect and take control of it, and to-day the Government architect is the one who has charge of the completion of that building.

Much trouble has been experienced with the contractors under the control and supervision of the special architect who was selected. It is a most unfortunate occurrence, the most unfortunate occurrence that could have taken place, so far as respects the interests of the Government and the interests of the great city of Chicago. We have no such building as we would have had had the Government had control of it from the start and the Government architect had furnished the plans and specifications.

Mr. President, when I was interrupted I was calling attention to the fact that this kind of an amendment ought not to be ingrafted upon an appropriation bill. It is new legislation.

It relates to a subject-matter that other committees than the Committee on Appropriations have control of. I submit that in this instance this appropriation ought not to have been increased, and that the Commissioners ought to have been told that the amount of \$2,000,000, which has been granted by the House, is the limit for this building.

Mr. ELKINS. Now, Mr. President, I want the attention of Senators to see just what is the status of this case. The House provided "for continuing work on municipal building for the District of Columbia, \$300,000," and there they left the question. Three hundred thousand was as much, I suppose, as they thought the Government could stand. There was no limitation put upon the cost of the building beyond the estimate of \$2,000,000. This is included in that, and after the \$300,000 is expended there is nothing to hinder the Government from going on and spending more, if that should be the judgment of Congress.

But what is the Senate asked to do? The House appropriated \$300,000 in the spirit of economy, with a desire to reduce expenses; but what does a majority of the Committee on Appropriations of the Senate do? I say the majority; I do not speak for all.

This is what the Senate committee has added:

And the limit of cost of said building, including cost of site, is hereby increased from \$2,000,000 to \$2,500,000.

That is not a decrease. That is not reducing expenses. It is an increase from \$2,000,000 to \$2,500,000. This is big enough, I think, for the attention of Senators who think that \$50,000 is a mere bagatelle.

Now, it is a question whether we are going to increase this appropriation to \$2,500,000. Let me draw the attention of the Senate to something that I think is yet more significant. Colonel Biddle said in the hearing before the House—it is as follows:

Mr. BURKETT. When will you have the building completed?

Colonel BIDDLE. If we get the money at once the building can be completed two years from now.

Mr. BURKETT. What money—the \$400,000?

Colonel BIDDLE. Yes, sir.

Mr. BURKETT. You have had a million one hundred and fifty thousand dollars. How much of that have you on hand?

Colonel BIDDLE. There was a balance of \$374,000 available the first of the year. Since then I think we have spent about a hundred thousand dollars.

Now we add \$274,000 to the expenditure. The House was willing to give them \$300,000, and yet we are called on now to put up the amount to \$2,500,000. I do not believe they can spend the \$274,000 in the present fiscal year. They have \$274,000 on hand. Why so liberal with Government money, money we must borrow, or money we must sell bonds for, if we do not reduce the expenses and do not levy more taxes on the people?

I do not know what was before the Senate committee to warrant this, but you may be sure the Commissioners put before the committee the best showing they could to get us to appropriate this money, and they are about doing it. I am afraid the Senate is going to do it. I do not see why we could not take the judgment of the House, who are nearer the people than we are. Here is \$274,000 that I understand is yet to be expended.

Why ask for more than can be expended? For the information of the Senate, and in order to make it clear, I ask the Secretary to read from the hearings before the House Committee. It will be instructive to the Senate, and I hope the Senate Committee on Appropriations will listen to it. I ask the Secretary to read from page 20, where it is marked. I want this to go into the RECORD.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Mr. BURKETT. You could if you did not build so large a building.

Colonel BIDDLE. The plans were accepted by Congress.

Mr. BENTON. Did you make the plans for a \$2,500,000 building?

Colonel BIDDLE. No, sir; we made the plans for a building of sufficient size to accommodate the District government.

Mr. BENTON. And that came to \$2,500,000?

Colonel BIDDLE. Yes, sir.

Mr. BENTON. You did not plan it according to this appropriation?

Colonel BIDDLE. No, sir.

Mr. McCLEARY. If we were to attempt to increase the limit of cost, that of course would be beyond question subject to a point of order.

Mr. MACFARLAND. We realize that, but would the point of order be made?

Mr. BURKETT. I think it would.

Mr. MACFARLAND. Is not this an exceptional case—a municipal building, not a Federal building, and for which we pay half the cost?

Mr. McCLEARY. The question is how much money you imperatively need on the theory that the \$2,000,000 is fixed.

Colonel BIDDLE. I think \$400,000 for the next year instead of \$600,000 would be ample.

Mr. BENTON. You have \$300,000 available?

Colonel BIDDLE. We had up to the beginning of the fiscal year. We have not so much now.

Mr. BENTON. How near is the foundation completed?

Colonel BIDDLE. The foundation will be completed within a couple of months.

Mr. BENTON. What material is it made of?

Colonel BIDDLE. Mostly of concrete.

Mr. BENTON. Has that proven to be as strong as stone?

Colonel BIDDLE. Yes, sir; the foundation is all on piles.

Mr. BURKETT. When will you have the building completed?

Colonel BIDDLE. If we get the money at once the building can be completed two years from now.

Mr. BURKETT. What money—the \$400,000?

Colonel BIDDLE. Yes, sir.

Mr. BURKETT. You have had a million one hundred and fifty thousand dollars. How much of that have you on hand?

Colonel BIDDLE. There was a balance of \$374,000 available the first of the year. Since then I think we have spent about a hundred thousand dollars.

Mr. ELKINS. I think with this testimony before the Senate we can afford to abide the judgment of the House and not increase this tremendous appropriation of \$2,000,000 to \$2,500,000. There is no such showing there that warrants the increase. It is mere extravagance to say: "Well, we will have a building costing \$2,500,000 instead of a \$2,000,000 building." According to the statement made by the distinguished Senator here, the building costing \$2,000,000 will last for fifty years and be adequate. I hope it will be in good taste, architecturally and otherwise, so as not to offend the aesthetic taste of some Senators here who want to have a beautiful building—one which, when viewed by the Washington visitor, will impress him and he will feel as he scans its beautiful proportions that architecture is frozen music.

But the point I make now, Mr. President, most seriously, is this: With the \$274,000 on hand—and I do not see how the Commissioners can expend more than that during the coming year—why should we give this additional \$500,000?

Mr. CLAY. Will the Senator from West Virginia allow me to ask him a question?

Mr. ELKINS. Certainly.

Mr. CLAY. Is it not true that originally the act appropriated \$2,000,000 for this building, and that the Commissioners came before the Committee on Public Buildings and Grounds, and then went to the Committee on Appropriations, and insisted that the \$2,000,000 would complete the building provided it was built of brick; but, taking into consideration its importance and where it is to be located, they recommended that it be built of marble or granite instead of brick, and the \$500,000 additional is to make it a granite or marble building instead of a brick building?

Mr. ELKINS. Mr. President, as I understand it, the first appropriation was \$1,500,000, and that was considered ample for the needs of the District government. Afterwards, on a further showing, and at the request of the Commissioners, as I understand it, that amount was increased to \$2,000,000. That is always the case. They were not satisfied, and having been unable to get \$2,000,000 from the House, they come here to this liberal, but, I hope, not extravagant, body for the additional \$500,000.

The PRESIDENT pro tempore. The Senator from West Virginia will suspend. The hour of 2 o'clock has arrived, to which the Senate sitting as a court of impeachment adjourned. The Senator from Connecticut will please take the chair.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PLATT of Connecticut assumed the chair.

The PRESIDING OFFICER (Mr. PLATT of Connecticut). The Senate is now sitting for the trial of the impeachment of Charles Swayne, judge of the United States in and for the northern district of Florida. The Sergeant-at-Arms will make proclamation.

The Sergeant-at-Arms made the usual proclamation.

The PRESIDING OFFICER. The Sergeant-at-Arms will see if the managers on the part of the House are in attendance.

The managers on the part of the House (with the exception of Mr. SMITH) appeared and were conducted to the seats assigned them.

The respondent, Judge Charles Swayne, accompanied by his counsel, Mr. Higgins and Mr. Thurston, entered the Chamber, and took the seats assigned them.

The PRESIDING OFFICER. The Secretary will read the Journal of the last trial day.

The Journal of the proceedings of the Senate sitting for the trial of the impeachment February 15 was read.

The PRESIDING OFFICER. Are the managers ready to proceed?

Mr. Manager PALMER. Yes, sir.

Mr. Manager DE ARMOND. I call Mr. Coston.

Mr. THURSTON. Mr. President, before that is done, we have a request to make. I ask to have the witness Donald McLellan recalled, to cross-examine him for a moment, for the purpose of laying the foundation for impeachment by contradiction.

Our memorandum on that subject was not at hand yesterday afternoon, and that is the reason why we did not lay the foundation then.

The PRESIDING OFFICER. The foundation for what?

Mr. THURSTON. The foundation for impeachment by contradiction. We wish to ask him as to whether or not on two certain occasions he made certain statements which are inconsistent with the testimony he gave on the witness stand.

The PRESIDING OFFICER. The Sergeant-at-Arms will call the witness.

Donald McLellan recalled.

Reexamined by Mr. THURSTON:

Question. Do you know F. W. Marsh, clerk of the United States court?

Answer. Yes, sir.

Q. At Pensacola, Fla.?

A. Yes, sir.

Q. Did you have a conversation with him at his office in the United States court building, city of Pensacola, Fla., on or about the 27th day of January last?

A. I think so, sir.

Q. Did you or did you not at that time state to him, in substance and effect, as follows: That on the trial of Davis and Belden for contempt you took down the judge's remarks just as given?

A. No, sir; I did not.

Q. Did you not, on that occasion, further say that you afterwards took the manuscript to Judge Swayne, and he looked it over, but made no corrections?

A. I told him—

Q. Did you, or did you not, state that?

A. Not clear.

Mr. SPOONER. Mr. President, what is the answer of the witness?

The PRESIDING OFFICER. The witness is not heard. The Reporter will read the last question and answer.

The Reporter read as follows:

Q. Did you or did you not state that?

A. Not clear.

Q. (By Mr. THURSTON.) Did you or did you not state at that time and place that you afterwards took the manuscript to Judge Swayne and that he looked it over, but made no corrections?

A. No, sir; I did not.

Q. Did you not further state that Judge Swayne said to you that your statement was about right, or words to that effect?

A. I do not recollect it that way, sir.

Q. Then you are unable to say whether you said it or not, are you?

A. I can say just about what I told Mr. Marsh.

Q. No; I am not asking you that. Did you or did you not state that?

A. I do not think I did, sir.

Q. Did you, or did you not, at that time and place, state to Mr. Marsh that there was no abusive language used by Judge Swayne at the time of the sentence?

A. That is not so.

Q. You did not state that?

A. No, sir; I did not.

Q. Did you, or did you not, then and there state to Mr. Marsh that Judge Swayne did not use the expression that Mr. Davis and General Belden were a stench in the nostrils of the people, and that he did not state that their conduct was a stench in the nostrils of the people, or words to that effect?

A. I said at that time—

Q. I am asking you, did or did you not state that?

A. I do not think so, sir.

Q. Did you, or did you not, at that time state to Mr. Marsh that Judge Swayne's conduct at the trial of Davis and Belden for contempt was dignified, and that it was what you thought a judge's conduct should be?

A. I did not, sir.

Q. You did not?

A. No, sir.

Q. Did you not further state at that time that Judge Swayne's appearance was that of sadness and not anger?

A. When sentencing Judge Belden.

Mr. SPOONER. Mr. President, I am listening intently, but I can not hear the witness.

Mr. THURSTON. He says—

Mr. SPOONER. I ask that the answer be read.

The PRESIDING OFFICER. The last question and answer will be read by the Reporter.

The Reporter read as follows:

Q. Did you not further state at that time that Judge Swayne's appearance was that of sadness and not anger?

A. When sentencing Judge Belden.

Q. (By Mr. THURSTON.) Did you meet Mr. Marsh on the street the day following that conversation in Pensacola, Fla.?

A. I think so.

Mr. DANIEL. Mr. President, I have not heard the answer of the witness. I ask that it be read.

The PRESIDING OFFICER. The answer will be read.

The Reporter read as follows:

A. I think so.

Q. (By Mr. THURSTON.) At that time and place I have stated on the street of Pensacola in front of the Parlor Market, did or did you not state to Mr. Marsh that you had been up to the Es-cambia Hotel to see Judge Liddon, and he had asked you about that article; that you expected you would be summoned to Washington, but you did not want to go for fear you would say something you ought not to say?

A. I did not say that, sir.

Mr. MALLORY. Mr. President, I should like to inquire where this alleged conversation with Marsh is said to have taken place.

Mr. THURSTON. In the beginning, on or about the 27th day of January last, at the office of the clerk of the United States court, in Pensacola, Fla. The last question relates to a conversation on the street the following day, in Pensacola, in front of the Parlor Market. [To Mr. Manager DE ARMOND.] That is all.

Reexamined by Mr. Manager DE ARMOND:

Q. Mr. McLellan, state to the court what your conversation with Mr. Marsh was on the occasion to which your attention has been directed.

A. On the street?

Q. Well, the street conversation.

A. I told him I had met Judge Liddon and he had questioned me on the case, and he had said something about going to Washington. That is as far as I recollect it.

Mr. CARMACK. Mr. President, I should like to have the answer of the witness read.

The PRESIDING OFFICER. The answer will be read by the Official Reporter.

The Reporter read as follows:

A. I told him I had met Judge Liddon and he had questioned me on the case, and he had said something about going to Washington. That is as far as I recollect it.

Q. (By Mr. Manager DE ARMOND.) How did that conversation come up?

A. I saw him previously that day in his office. He asked me about this sentencing business of Mr. Davis and General Belden.

Q. That was at his office?

A. Yes, sir; the same day.

Q. What was that conversation?

A. I told him I had not given the matter a thought; it was four years ago; that my mind was not clear on it.

Q. Who brought up that conversation?

A. Mr. Marsh.

Q. Who brought up the conversation on the street?

A. Well, he was waiting for a street car and I passed him—I met him, rather.

Q. Did he speak to you about the matter or did you speak to him about it first?

A. I spoke to him.

Q. What further conversation did you have at his office?

A. He asked me about this newspaper article.

Q. What did he ask you about it?

A. He asked me if I remembered it. I told him I had not given it much consideration; that I did not expect to be summoned. That is as I recollect it. And he asked me about Judge Swayne's conduct on the stand in sentencing these attorneys.

Q. Well, what was said about that?

A. I told him at the time that I thought Judge Swayne used language in keeping with the occasion. I believe those are my words to him.

Mr. SCOTT. Mr. President, it is impossible for us here to hear a word the witness says.

The PRESIDING OFFICER. The Presiding Officer knows of no way by which a witness can be heard if he can not speak loud enough to have his voice carried to the farthest extent of the chamber; but the Reporters can, if desired, repeat the questions and answers.

Mr. SPOONER. Let them be repeated, Mr. President.

Mr. CARMACK. I suggest, if the examination of this wit-

ness is to continue, that the Reporter read the answers of the witness. Some of us here can not hear any of his answers; I can not. Let all the witness's answers be read.

The PRESIDING OFFICER. The Reporter will read—

Mr. QUARLES. I would suggest, instead of annoying the Reporter and interrupting his proceeding, that we resort to the same course we did the other day, which worked very well. Let the Secretary repeat each answer of the witness, and then we will hear it.

The PRESIDING OFFICER. Will that be agreeable to Senators? The Reporter who took the last few questions has retired to his room, and if it is entirely agreeable to Senators—

Mr. CARMACK. I think the suggestion of the Senator from Wisconsin [Mr. QUARLES] would be the better way.

The PRESIDING OFFICER. If it is entirely agreeable to Senators, the Secretary will repeat the answers of the witness as they are given.

The subsequent answers of the witness were repeated to the Senate by the Chief Clerk.

Mr. Manager DE ARMOND. Then I will refer again to that question. (To the witness.) Mr. McLellan, state what your conversation with Mr. Marsh was at his office about the manner of Judge Swayne. Repeat the answer to the question asked you last.

A. Just what I have stated? I told him that I thought Judge Swayne's manner was in keeping with the occasion.

Q. Then what else did you tell him?

A. I do not recollect the conversation at all.

Q. Did you not say a moment ago that you told him that Judge Swayne's manner, you thought, was unnecessarily harsh, or severe, or something to that effect?

A. I told him at one time, but I do not think it was on this occasion.

Q. When was it?

Mr. THURSTON. I object, Mr. President, to going outside of the one occasion.

Q. (By Mr. Manager DE ARMOND.) Was it in one of these conversations about which you have been asked?

A. I do not think so.

Q. Do you recall anything else that you told Mr. Marsh in that conversation at his office?

A. No, sir; my mind is not clear on it.

Q. What did you mean when you said to Mr. Marsh that you thought his language was in keeping with the occasion?

A. Well, at that time I thought that Judge Swayne did just what was right.

Q. Was that before you referred to the newspaper article to refresh your recollection?

A. Yes, sir. He showed me the articles reproduced in the CONGRESSIONAL RECORD of January 13, I believe.

Q. Who did?

A. Mr. Marsh.

Q. When?

A. At his office during one conversation. I do not remember what date.

Q. Do you mean to be understood as saying that you told Mr. Marsh that Judge Swayne's language was not harsh or abusive?

A. I told him I thought it was not.

Q. Well, you stated yesterday that you thought it was?

A. After refreshing my memory—

Q. And that is the explanation of the matter?

A. Yes, sir.

Mr. Manager DE ARMOND. That is all.

Reexamined by Mr. THURSTON:

Q. When did you refresh your memory?

A. After reading the article.

Q. And your memory is now refreshed?

A. I think so.

Mr. THURSTON. That is all.

The PRESIDING OFFICER. Are there any further questions?

Mr. Manager DE ARMOND. Not of this witness, Mr. President.

The PRESIDING OFFICER. Have the managers further witnesses to produce?

Mr. Manager DE ARMOND. We wish to recall Charles M. Coston.

Charles M. Coston recalled.

By Mr. Manager DE ARMOND:

Question. You stated when you were on the stand before that you lived in Pensacola and that you are by profession a lawyer?

Answer. I did, sir.

Q. State to the court whether you were present in Judge Swayne's court on the morning of the 12th of November, 1901, when contempt proceedings against Davis and Belden were heard and disposed of.

A. I was.

Q. State to the court, as well as you recall, what took place in connection with that matter at that time?

A. As near as I can now remember, I think that I can describe what took place in the following language: The court convened, I believe, at 10 o'clock. Immediately upon the convening of the court the Belden and Davis contempt proceeding was called up. The case, after the evidence was heard, which was brief in nature, was presented by Mr. W. A. Blount for the prosecution and E. T. Davis for the defense.

Judge Belden at the time was in a very decrepit condition physically. His face was paralyzed, which interfered very materially with his speech. He was also apparently very feeble. He therefore had nothing to say in the case. Immediately after the arguments pro and con were concluded, the judge proceeded to sentence the parties defendant. I can not recall the exact language employed by the judge. I will, however, try to state the substance, as I remember it. He spoke in connection with a case that had been pending in his court, in which these attorneys were interested. He did not mention the case by name; but his statements, taken in connection with other facts, thoroughly convinced me that he had reference to the case of Florida McGuire v. W. A. Blount and others. He stated that the lawyers in this case, meaning Belden and Davis and Paquet, they being the parties appearing for the plaintiff, had been guilty of conduct that was a stench in the nostrils of the people, as near as I could remember his language. He also stated that the sentencing of Judge Belden was one of the saddest duties that he had had to perform during his time upon the bench; but he stated in this connection, however, that his duty had to be performed; that the conduct of Judge Belden was very reprehensible; that his experience as an attorney should have taught him that he was guilty of a violation of duty when he brought the proceeding in the circuit court. He said nothing in reference to Davis.

I noticed in this proceeding, it being a novel one to me, that the Judge, in rendering his decision, showed a great deal of personal feeling in the matter—in fact, it may be aptly described as personal feeling. His sarcasm was biting; his censure of these two attorneys was severe in the extreme. In fact, he seemed to me to display more personal feeling in this case against them than I have ever seen him display in any case before his court.

Q. Do you recall anything else that he said?

A. In what connection.

Q. In disposing of this case—in passing sentence.

A. I can recall the sentence, if that is what you have reference to.

Q. No; as to his manner and his expressions, if you recall anything further.

A. No, sir; I think I have described them, except, as I have said, that he was sarcastic.

Q. Do you recollect what sentence he pronounced?

A. Yes, sir.

Q. What was it?

A. A hundred dollars fine or ten days in jail, and to be suspended or disbarred for a period of two years.

Q. You say "or ten days in jail?"

A. That is the way I understood the sentence.

Q. How speedily was the sentence executed?

A. Immediately after the sentence was pronounced Mr. Davis and Judge Belden left, accompanied by an officer of the court. I do not remember whether it was the United States marshal or a deputy.

Q. Where were they taken?

A. I presume to the county jail.

Q. Did you see them there?

A. I did.

Q. How soon after this?

A. I suppose about two hours afterwards.

Q. Well, where were they in the county jail?

A. They were in a room next to what they call "the prisoner department of the jail." This jail is a brick building, two stories in height. There is an entrance—

Mr. THURSTON. Mr. President, is Judge Swayne, this respondent, to be answerable for the manner in which the imprisonment was conducted in the absence of any testimony tending to show that he gave any directions with respect to it? If not, we object to this feature of the testimony.

Mr. Manager DE ARMOND. Mr. President, the object of the inquiry was to ascertain where they were confined and how

they were confined—something about the jail and the accommodations, or the lack of accommodations, that they had in the jail, in a general way, and the punishment that they endured under this sentence of the court.

Mr. THURSTON. Mr. President—

The PRESIDING OFFICER. One moment. Does the manager think that is material to the issue?

Mr. Manager DE ARMOND. I did not understand the remark.

The PRESIDING OFFICER. Does the manager claim that that is material to the issue—the jail accommodations?

Mr. Manager DE ARMOND. Not "the jail accommodations," used just exactly in that way, but we think it is material to the issue to show what the punishment inflicted upon them was, and to leave the court, in passing upon the matter with all the testimony upon the subject before the court, to determine how far the judge knew that such accommodations or lack of accommodations would be their lot in sentencing them, whether it was a proper sentence as to the amount of punishment, or whether it was excessive. We are getting at the animus of the judge.

Mr. THURSTON. I simply wish to suggest that it passes the bounds of responsibility that could be placed upon this respondent to charge him with improper performance of duty because of the fact that the people of Pensacola may have provided inferior jail accommodations.

The PRESIDING OFFICER. The Presiding Officer does not see that the question as to the character of the jail or the way in which the persons sentenced for contempt were confined there is proper. It can not be said that Judge Swayne is responsible for that without some evidence is adduced showing that the Judge directed something to be done which was improper.

Mr. Manager DE ARMOND. I wish to ask another question of the witness upon that line; but if the President will indulge me a moment, I think upon the question whether the sentences were excessive or not—as to that branch of it—it would be competent for the respondent to show, if he could show, that the imprisonment was not for an unusually long time; that the punishment was not excessive, if, as a matter of fact, the persons sentenced to the jail were taken to quarters which were commodious and clean and if there were no especially contaminating influences from the low class of criminals confined in the same jail at the same time; if they were the only occupants, for instance, and were in the rooms or apartments of the sheriff or keeper of the jail, instead of being in with the common criminals—I believe that would be competent for the respondent to offer in the case. It seems to me it is competent for those prosecuting the case to show the kind of confinement, the kind of place to which he sentenced them, bearing upon the question whether he had the right to send them there at all, and whether the punishment was excessive in sending them there for that length of time. That is all I wish to say about that.

For information, I ask the President whether I am to understand the ruling to be that all questions in regard to the jail are to be excluded? I do not wish to ask questions simply for the sake of asking them, of course.

The PRESIDING OFFICER. The Presiding Officer thinks that it is not material to this issue to prove the condition of the jail. If any Senator so desires the Presiding Officer will submit the question to the Senate.

Mr. Manager DE ARMOND (to counsel for the respondent). Cross-examine.

Cross-examined by Mr. THURSTON:

Q. You were present during the entire hearing of that contempt proceeding?

A. I was, sir.

Q. Did you hear read the information or petition, or whatever it may be called, that was filed by Mr. Blount?

A. I am of the opinion that I did. That is my recollection.

Q. And the defendants, Belden and Davis, put in their answer?

A. That is the way I remember it.

Q. And that was also read, was it?

A. It was.

Q. Was it sworn to?

A. That I can not say, not having read it.

Q. You can not say that?

A. I did not read it.

Q. Did the attorneys on both sides have all the opportunity they asked for in the way of argument?

A. Well, you ask me for my opinion?

Q. No; I ask you if they were deprived by any ruling of the court. Were they cut off from any argument?

A. Not to my knowledge.

Q. Were they refused the right to call witnesses?

A. Not to my knowledge.

Q. Did either of them, Belden or Davis, offer to take the stand in their own behalf?

A. That I can not say.

Q. Were they both sworn as witnesses?

A. Not that I recall.

Q. Was any attempt made there, so far as you remember, by either of them to purge themselves under oath of the charge made against them?

A. I think there was.

Q. What was it?

A. Their answer.

Q. Was that under oath?

A. I can not recall.

Q. I say to you "under oath?"

A. You mean was the answer under oath?

Q. No, sir; I say was any attempt made by either Belden or Davis in that court to purge themselves of the charge under their oath?

A. Not that I can recall.

Q. And if it is the fact that the answer they submitted was not under oath, they did not make any attempt to purge themselves under oath, did they?

A. That is a fair conclusion, I believe.

Mr. THURSTON. That is all.

Reexamined by Mr. Manager DE ARMOND:

Q. You state that these gentlemen were taken off to jail immediately after the pronouncing of the sentence?

A. That is as I remember it. They were.

Q. Do you know anything about any delay in making up the commitment?

A. None whatever.

Q. Do you know whether there was any commitment?

A. I can not say of my own knowledge that there was. I did not see the original.

Mr. SPOONER. Mr. President, I submit the question which I send to the desk.

The PRESIDING OFFICER. The Senator from Wisconsin propounds a question, which will be read by the Secretary.

The Secretary read as follows:

Q. About how much time was consumed by Judge Swayne in his observations in the case, including the judgment?

A. I do not know that I clearly understand the question.

The Secretary again read the question.

A. At this time it is almost impossible to say positively the exact time, this trial having taken place in November, 1901, as I remember it; but, relying upon my judgment and approximating the time, I would say that he spoke, I imagine, about twenty or twenty-five minutes. That, however, is merely a guess.

Mr. SPOONER. Well, Mr. President, my question was "about how much time?"

A. Then I will answer the question in this way: About twenty or twenty-five minutes, as I recollect it.

Q. (By Mr. Manager DE ARMOND.) There were witnesses examined in that proceeding?

A. There were.

Q. Can you tell what the testimony was?

A. I can not recall all the testimony, but the substance of the testimony, as I remember it, had reference to a newspaper article and the summons that was served in the case brought against Judge Swayne in the circuit court of Escambia County, Fla.

Q. You stated that there was first pronounced the sentence of imprisonment. Did anybody make any suggestion to the judge in regard to the disbarment?

A. Immediately after the decision, when judgment was rendered, Mr. W. A. Blount, of counsel for the prosecution, walked up to the judge. What he said to him I do not know; I could not hear it; but immediately upon Mr. Blount concluding what he was saying to the judge, the judge then struck out that part of the sentence in relation to disbarment.

Mr. Manager DE ARMOND. That is all.

Mr. THURSTON. That is all.

The PRESIDING OFFICER. Are there further witnesses?

Mr. Manager DE ARMOND. Mr. President, the witness Belden, of New Orleans, has not yet arrived, and with the exception of that one witness, so far as we know now, our case is complete, and we are willing that the respondent may go on with his testimony, with the privilege to us of calling General Belden when he arrives.

Mr. THURSTON. Mr. President, this suggestion was made

to me this morning by the managers, and we have no objection to their proposed arrangement, it being, as I understand, that they have closed their case in chief, except as to the testimony of Judge Belden, who is to be produced by them and examined upon his arrival. We make no objection to that request. We should like, however, that they place Judge Belden upon the stand as soon as he does arrive, in order that, as far as possible we may have their entire case in before we present our own witnesses.

The PRESIDING OFFICER. Will that be agreeable to the managers?

Mr. Manager DE ARMOND. Mr. President, I wish to say just one other thing. But for the ruling of the court the other day we would now formally offer to introduce the declarations and statements of Judge Swayne bearing upon these matters of contempt and hearing also upon the residence question; but not wishing to ask the court to make another ruling upon that proposition—

Mr. BAILEY. Mr. President, I hope the managers on the part of the House will offer that testimony again, because I should like to see the Senate determine it after due deliberation. If the managers have any delicacy about asking the Senate to reconsider its opinion, I myself will seek an opportunity of obtaining what I believe to be a more correct decision upon that point.

Mr. Manager DE ARMOND. Mr. President, I would say that what I have just remarked is in entire good faith; that it was the intention of the managers to offer the declarations and statements of Judge Swayne both with regard to these matters of contempt and the question of nonresidence. We have not these things in the exact form now that we should like to offer them, but we can assure the court if given the opportunity we shall present them, and also, as suggested by my associate, upon the matter of the use of the private car.

Mr. THURSTON. Do I understand the manager in his offer to include anything more than the testimony given by Judge Swayne before the committee of the House of Representatives?

Mr. Manager DE ARMOND. Testimony and statements, as I understand. I was not a member of that committee—

Mr. THURSTON. No. Call it what you please, we do not object, because we could not, to their introducing any statements made by Judge Swayne, except while he was a witness before the committee of the House.

Mr. Manager DE ARMOND. I was not a member of the examining committee, but I understand that a portion of the statements of Judge Swayne was made by him when not under oath; made voluntarily, with a view of checking or preventing the progress of the impeachment proceedings; that other statements were made by him after he had been sworn, sworn voluntarily, and at his own suggestion and in his own behalf, with a view of endeavoring to influence that committee by the statements and the testimony to report against the preferring of articles of impeachment, and with a view of influencing the House of Representatives against voting those articles of impeachment. Both classes we offer.

Mr. THURSTON. Mr. President, if it can be shown, and it appears of record, so that the showing is not difficult if it exists, that Judge Swayne made any statement before the House committee before the oath was administered to him by that committee as a witness, we shall interpose no objection to such statement. But we do object to any statement that he made before that committee after he was sworn as a witness.

Mr. BAILEY. Mr. President, I ask that the doors be closed for deliberation, if that is the proper proceeding. If not, I ask that the Senate retire to deliberate upon this question.

Mr. THURSTON. I ask the indulgence of the court for just one moment.

I do not desire to add anything to the argument I made the other day on this same question, except to call the attention of the Senate to one provision of the Constitution of the United States. It was urged here the other day that this is not a criminal proceeding, and that Judge Swayne is not charged with or being tried for a crime. I wish simply to call attention to a section of the Constitution, it being the last portion of section 2 of Article III. I read:

The trial of all crimes, except in cases of impeachment, shall be by jury.

The PRESIDING OFFICER. The Presiding Officer understands that the Senator from Texas moves that the Senate retire to its conference chamber. Is that the motion of the Senator from Texas?

Mr. BAILEY. That was my request, but it has been suggested to me that, to save the inconvenience and delay of clearing the galleries, the Senate itself retire to the Marble Room. But from all around me comes the suggestion that there is not

room in the Marble Room for it, and consequently there is nothing left except to clear the galleries and close the doors.

Mr. SCOTT. On that I ask for a yeas and nays vote.

Mr. BAILEY. In response to the call for a yeas and nays vote, I will say that I think any Senator probably is entitled, upon his own suggestion, to a session with closed doors. I am not familiar with the rule, but I am inclined to think that is true.

The PRESIDING OFFICER. The Presiding Officer thinks sufficient accommodations for the Senate have been provided or can be provided in the Marble Room.

Mr. BAILEY. Then, to obviate the difficulty, if it is competent and permissible, I will ask unanimous consent that the Senate proceed, as if in executive session, to consider the question here, without closing the doors or clearing the galleries. If that is permissible, I prefer that request.

Mr. BACON. Rule XXIII provides for that, with the consent of the Senate.

The PRESIDING OFFICER. The Presiding Officer did not hear the suggestion of the Senator from Georgia.

Mr. BACON. I say Rule XXIII provides for the consent of the Senate under such circumstances.

The PRESIDING OFFICER. Consent to what?

Mr. BACON. As to the competency of the Senate to determine by unanimous consent to proceed without having the doors closed.

The PRESIDING OFFICER. The rule is as follows:

All the orders and decisions shall be made and had by yeas and nays, which shall be entered on the record, and without debate, subject, however, to the operation of Rule VII, except when the doors shall be closed for deliberation, and in that case no Member shall speak more than once on one question, and for not more than ten minutes on an inter-lucory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate.

The Presiding Officer is of opinion that the consent of the Senate applies to the time during which a Senator may speak upon a question, and not to the question whether the Senate may proceed in the Senate Chamber as a court without closing the doors.

Mr. BACON. I may be in error, but I thought it qualified the whole section. But if not, there is no doubt that unanimous consent will control.

Mr. BAILEY. Unanimous consent controls all rules, including that.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that Rule XXIII may be suspended in so far that debate upon this question may take place in the Senate Chamber.

Mr. SCOTT. I object.

The PRESIDING OFFICER. Objection is made.

Mr. BAILEY. Then I ask that the Senate retire for the purpose of deliberating upon this question.

The PRESIDING OFFICER. The Senator from Texas asks that the Senate retire to its conference chamber for the purpose of deliberating on this question.

Mr. BAILEY. I understood, when I asked that the Senate retire, that that meant to close the doors of the Senate. That is my request, because Senators all agree that it would be inconvenient to consider the question in the Marble Room.

The PRESIDING OFFICER. The Presiding Officer will submit the motion to the Senate. Will the Senate order the doors to be closed for the purpose of deliberating upon the question? [Putting the question.] In the opinion of the Presiding Officer the "noes" have it.

Mr. BAILEY. I ask for the yeas and nays.

Mr. ALLISON. As I understand the rule just read, the deliberations are to be secret; they are not to be in the open Senate. I suggest that it will be greatly to the convenience of Senators and hasten the final conclusion of this trial that the deliberations shall be with closed and not with open doors. But I have no motion to make about it.

Mr. BAILEY. I have made a motion that the doors of the Senate be closed, so that the Senate may proceed to the consideration of this question. That motion was submitted to the Senate.

Mr. ALLISON. I understand.

Mr. BAILEY. And on it I have asked for the yeas and nays.

The PRESIDING OFFICER. The Senator from Texas asks for the yeas and nays. Is there a second?

The yeas and nays were ordered.

Mr. TELLER. I desire to say that under the rules all these decisions must be made by yeas and nays. They can not be made by a viva voce vote.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas, on which the yeas and nays have been ordered.

The question having been taken by yeas and nays, resulted—yeas 53, nays 18, as follows:

YEAS—53.

Allison	Culberson	Kean	Patterson
Ankeny	Cullom	Kearns	Pettus
Bacon	Daniel	Kittredge	Platt, N. Y.
Bailey	Dillingham	Latimer	Quarles
Bard	Dryden	Long	Simmons
Bate	Dubois	McCreary	Smoot
Berry	Fairbanks	McEnery	Spooner
Blackburn	Foraker	McLaurin	Stone
Burrows	Foster, La.	Mallory	Taliaferro
Carmack	Foster, Wash.	Martin	Teller
Clark, Mont.	Fulton	Money	Wetmore
Clark, Wyo.	Gibson	Morgan	
Clarke, Ark.	Hale	Nelson	
Clay	Heyburn	Overman	

NAYS—18.

Alger	Dick	Hansbrough	Perkins
Allee	Dolliver	Hopkins	Scott
Ball	Frye	McComas	Warren
Beveridge	Gallinger	McCumber	
Burnham	Gamble	Millard	

NOT VOTING—14.

Clapp	Dietrich	Lodge	Proctor
Cockrell	Elkins	Newlands	Stewart
Crane	Gorman	Penrose	
Depew	Knox	Platt, Conn.	

The PRESIDING OFFICER. On the motion of the Senator from Texas that the doors be closed the yeas are 53 and the nays 18. The Sergeant-at-Arms will clear the galleries and close the doors.

Mr. CULBERSON. Before that order is carried out, I desire to ask that the managers on the part of the House state the proposition as submitted by them. The manager who conducted the examination of the last witness stated that he was not then prepared to submit the matter in proper form. We would like to have it; at least I would.

Mr. SPOONER. I suppose the offer of the managers upon which this question arises is in writing. The stenographer's notes will show precisely what the offer is.

Mr. BAILEY. It is in the record.

Mr. SPOONER. I ask that it be read.

Mr. BAILEY. I suggest that several days ago the managers of the House submitted their offer, and I think in writing. The record of that day's proceedings will show exactly what it is they want to introduce.

Mr. SPOONER. That proposition—

Mr. CULBERSON. My colleague—

The PRESIDING OFFICER. Debate is irregular at this time.

Mr. SPOONER. It is not a debate.

Mr. CULBERSON. It is not a debate. It is a request to know what the question is. Mr. Manager DE ARMOND stated distinctly that he was not prepared to present in due form at that time the proposition on the part of the managers. What we desire—what I desire, at least, as one of the persons to pass upon this question—is to know what the proposition is.

Mr. HOPKINS. Counsel for respondent stated distinctly to the court that they made no objection to any statement made by Judge Swayne relating to his residence or any other subject. The point they made was that whatever statements he made before the investigating committee of the House after the oath was administered to him were subject to be excluded under the statute of the United States; and that is the proposition before us.

Mr. TELLER. I rise to a point of order. It is that no business can be done in open Senate after the vote the result of which has been announced.

The PRESIDING OFFICER. The Sergeant-at-Arms will clear the galleries and close the doors.

The managers on the part of the House and the respondent and his counsel retired from the Chamber.

The Senate sitting as a court of impeachment thereupon proceeded to deliberate with closed doors; and after two hours and twenty-five minutes (at 5 o'clock and 30 minutes p. m.) took a recess until to-morrow, February 17, at 11 o'clock a. m.

The PRESIDENT pro tempore resumed the chair.

Mr. CULLOM. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 31 minutes p. m.) the Senate adjourned its legislative session until to-morrow, Friday, February 17, 1905, at 12 o'clock meridian.

CUSTOMS REVENUES OF THE DOMINICAN REPUBLIC.

The injunction of secrecy was removed February 16, 1905, from a protocol of an agreement between the United States and the Dominican Republic, providing for the collection and disbursement by the United States of the customs revenues of the Dominican Republic, signed on February 4, 1905.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 16, 1905.

The House met at 11 o'clock a. m., and was called to order by Hon. ALEXANDER McDOWELL, Clerk of the House.

Mr. PAYNE. I move that the gentleman from Pennsylvania [Mr. DALZELL] act as Speaker pro tempore.

The motion was agreed to.

Mr. DALZELL assumed the chair as Speaker pro tempore.

Rabbi ABRAM SIMON offered the following prayer:

"Wherever My name is called upon in prayer there will I come and bless thee." In this spirit and hope of Thy divine promise have we come to invoke Thy benediction as Thy servants begin their daily tasks. Not reliant upon the strong arm of flesh, nor upon the flash of mental brilliance, nor upon the fervor of eloquent tongue, but upon Thy encompassing love and the majesty of Thy divine assurance have we assembled. Without it they that build labor in vain.

Our history is a Bible wherein Thou dost reveal Thy law of righteousness which alone exalteth a people. Thy name is written in letters of flaming justice across the heart of our nation. Give Thy servants, we pray Thee, the spirit of wisdom and of understanding, the spirit of knowledge and of the fear of the Lord, to interpret its letters in characters of freedom and truth, in lines of enduring peace and secure prosperity. Include ever in Thy benign favor the President of our country, his Cabinet, and all to whom Thou givest power in trust for Thy children's happiness. To the institutions of learning and the blessed homes of mercy that dot our land as beautifully as the stars bedeck the firmament above, to the church and the state in their fortunate separation, and to all helpful impulses and interests grant Thou strength and wise direction. Wherever Thy name is invoked in sincerity, in every land and in every clime, drop Thy rich crown of blessing, of peace, prosperity, and happiness. Amen.

The Journal of yesterday's proceedings was read and approved.

OMNIBUS CLAIMS BILL.

Mr. MAHON. Mr. Speaker, I call up the conference report on the bill H. R. 9848, known as the "omnibus claims bill." The report and statement, which is lengthy, were published a couple of days ago in the Record.

The SPEAKER. It seems to the Chair that either the statement or the report ought to be read.

Mr. MAHON. I ask unanimous consent for the reading of the statement in lieu of the report.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the statement be read instead of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9848) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the Act approved March third, eighteen hundred and eighty-three, and commonly known as the Bowman Act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 6, 11, 13, 19, 23, 27, 32, 37, 41, 42, 45, 46, 50, 52, 56, 58, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 84, 86, 87, 92, 93, 95, 96, 98, 105, 107, and 108.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 12, 16, 17, 18, 20, 21, 22, 24, 25, 26, 28, 30, 31, 33, 34, 35, 36, 40, 44, 47, 49, 51, 53, 55, 57, 81, 82, 83, 88, 89, 90, 91, 99, 100, 101, 102, 103, 104, 106, 109, 110, and 111, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: On page 20 of said amendment strike out lines 12, 13, and 14; on page 26, line 22, strike out "twenty", and insert in lieu thereof "ten"; on page 77, line 17, strike out "McCause", and insert in lieu thereof "McCance"; and on page 78, line 14, strike out "Hoskins", and insert in lieu thereof "Haskins"; and the Senate agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: On page 89, strike out line 10; and in lieu of